



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.12.2021

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

and

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P. (MD) .No.22867 of 2021

and

W.M.P (MD) No.19347 of 2021

Arumugam Chettiyar

.. Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Tahsildar,
Ambasamuthiram Taluk,
Tirunelveli District.

.. Respondents

Prayer Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, to direct the respondents herein from in any manner taking coercive steps in pursuant to the Section 6 notice, dated 25.11.2021 received on 03.12.2021 issued under the Tamil Nadu Land Encroachment Act, 1905 till the pending disposal of the Appeal filed by the petitioner on 20.12.2021 under Section 10 of the Tamil Nadu Land Encroachment Act, 1905 before the 1st Respondent herein.

For Petitioner : Mr.A.Arumugam

For Respondent : Mr.S.R.A.Ramachandran

Additional Government Pleader

ORDER

(Order of the Court was made by PUSHPA SATHYANARAYANA, J.,

This writ petition is filed for issuance of a Writ of Mandamus directing the respondents not to take any coercive steps, pursuant to the notice issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, by them, on 25.11.2021.

2.Heard Mr.A.Arumugam, learned counsel appearing for the petitioner and Mr.S.R.A.Ramachandran, learned Additional



Government Pleader appearing for the respondents.

3.The petitioner has rightly approached the District Collector, Tirunelveli, and filed an appeal under Section 10 of the Tamil Nadu Land Encroachment Act, 1905(hereinafter referred to as the 'Act' in short) and the same is pending and he claims to be an absolute owner of the western 24 cents in Survey No.905/4 out of an extent of 48 cents. When he has filed an appeal against the order under Section 6 of the Act, he can file a stay petition also under Section 10-B of the Act. Admittedly, the petitioner has failed to do so. He is seeking Mandamus forbearing the respondents from taking any coercive steps, till the appeal is disposed of.

4.In view of the above facts, the petitioner is at liberty to file a stay petition before the District Collector, Tirunelveli, within a period of two weeks from today and thereafter, it is for the the District Collector, Tirunelveli, to pass appropriate orders on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner and others interested, if any, and dispose of the same, within a period of four weeks therefrom. Till such time, no coercive steps shall be taken to displace the petitioner.

5.With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Collector,
Tirunelveli District,
Tirunelveli.



2.The Tahsildar,
Ambasamuthiram Taluk,
Tirunelveli District.

+1 CC to M/s.A.ARUMUGAM, Advocate (SR-40079[F] dated 22/12/2021)

+1 CC to M/s.SPL GP (SR-40223[F] dated 23/12/2021)

**W.P. (MD) .No.22867 of 2021
and W.M.P (MD) No.19347 of 2021
22.12.2021**

SAR(CO)

SB(06.01.2022) 3P 5C