



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

and

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P.No.6084 of 2022 and WMP.No.6169 of 2022

K.M.Chinnasamy Gounder

... Petitioner

-vs-

1.The District Collector,
Collectorate Office,
Tirupur District.

2. The Deputy Director,
Animal Husbandry Department,
Tirupur.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus, directing the 1st respondent to dispose of the petitioner's Appeal Petition along with the Stay Application filed on 07.03.2022 on merits within a reasonable time fixed by this Court.

For Petitioner : Mr.T.Rajagopal,
Senior Counsel
for Mr.A.M.Esakkiappan

For Respondents: Mr.A.Selvendran, Spl.G.P.

ORDER

(Order of the Court was made by T.RAJA, J.)

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, directing the 1st respondent to dispose of the petitioner's Appeal Petition along with the Stay Application filed on 07.03.2022 on merits within a reasonable time fixed by this Court.

2. Learned Senior Counsel appearing for the petitioner would submit that the 2nd respondent herein, namely, the Deputy Director, Animal Husbandry Department, Tirupur, has passed an



impugned order dated 01.03.2022 directing the petitioner herein to handover the land-in-question in Survey No.31/1A in Azhagumalai Village, since the petitioner claims that the aforesaid land belongs to him and objecting the direction issued by the 2nd respondent, an appeal has been filed under Sections 10A and B of the Tamil Nadu Land Encroachment Act, 1905 before the 1st respondent on 07.03.2022.

3. It is, at this stage, Mr.A.Selvendran, learned Special Government Pleader taking notice for the respondents would submit that as the petitioner has to move even interim application for interim order of stay during the pendency of the appeal, he should have directed to approach the 1st respondent.

4. In reply, learned Senior Counsel for the petitioner would bring to the notice of this Court a copy of the appeal filed under Sections 10A and B of the Act before the 1st respondent showing that the petitioner has already asked for a relief, namely, interim order of stay.

5. Again, learned Special Government Pleader for the respondents placing on record a letter dated 17.3.2022 addressed to him by the District Collector, Tirupur sought for two months time to consider the petitioner's Appeal.

6. In view of the above, since the appeal filed on 07.03.2022 challenging the correctness of the impugned order dated 01.03.2022 passed by the 2nd respondent is pending before the 1st respondent, namely, The District Collector, Tirupur District, it is for him to consider the appeal and the stay petition, within a period of two months from the date of receipt of a copy of this Order, on merits and in accordance with law. Till then, the parties are directed to maintain status quo as on today.

7. With the above observation and direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

tsi



To

1. The District Collector,
Collectorate Office,
Tirupur District.

2. The Deputy Director,
Animal Husbandry Department,
Tirupur.

+lcc to Government Pleader SR.No.18777

W.P.No.6084 of 2022

GSM(CO)
GMY(06/04/2022)