



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.04.2022

CORAM :

THE HON'BLE MR.JUSTICE M.DURAI SWAMY
AND
THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

W.P.No.9345 of 2022
and
W.M.P.Nos.9096 & 9097 of 2022

1.Sundararajan
2.Sankar
3.Lakshmi
4.Saroja
5.Nagammal
6.K.Mohan Kumar
7.T.Javarappan
8.Dhanalakshmi
9.H.Kangan
10.M.Naveen
11.N.Raja

..Petitioners

Vs.

1. The District Collector,
The Nilgiris District,
Udhagamandalam.

2. The Tahsildar,
Udhagamandalam,
The Nilgiris District.

3. Firka Revenue Inspector,
Sholur Firka,
Udhagamandalam Taluk,
The Nilgiris.

..Respondents

Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned order under Section 6 of the Land Encroachment Act, 1905 dated 13.03.2022, 16.03.2022 & 17.03.2022 of the 2nd respondent and quash the same and direct the 1st respondent to consider the petitioners appeal filed under Section 10A of the Land Encroachment Act dated 31.03.2022.



For Petitioners : Ms.Reshmi Christy

For Respondents : Mr.A.Selvendran,
Special Government Pleader

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O R D E R

(ORDER OF THE COURT WAS MADE BY M.DURAISWAMY, J.)

The petitioners have filed the above Writ Petition to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 dated 13.03.2022, 16.03.2022 & 17.03.2022 of the 2nd respondent and to quash the same and to direct the 1st respondent to consider the petitioners' appeal filed under Section 10A of the Land Encroachment Act dated 31.03.2022.

2.The learned counsel appearing for the petitioners submitted that though the petitioners have filed the stay petition under Section 10A of the Act in the appeal filed under Section 10 of the Act dated 31.03.2022, the 1st respondent has not passed any order in the stay petition so far.

3.Mr.A.Selvendran, learned Special Government Pleader taking notice for the respondents 1 to 3 submitted that the 1st respondent may be directed to dispose of the stay petition within a time frame.

4.Having regard to the submissions made by the learned counsel on either side, taking into consideration the prayer sought for by the learned counsel for the petitioners, without expressing any opinion with regard to the merits of the matter, we direct the 1st respondent to dispose of the stay petition filed under Section 10A of the Tamil Nadu Land Encroachment Act, 1905 filed in the appeal filed under Section 10 of the Act within a period of one week from the date of receipt of a copy of this order. Till such time, the respondents are directed to maintain status quo.

5.With these observations, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

va



To

1. The District Collector,
The Nilgiris District,
Udhagamandalam.

2. The Tahsildar,
Udhagamandalam,
The Nilgiris District.

3. Firka Revenue Inspector,
Sholur Firka,
Udhagamandalam Taluk,
The Nilgiris.

+1cc to M/s.Reshmi Christy, Advocate, S.R.No.26032

+1cc to the Government Pleader, S.R.No.24164

W.P.No.9345 of 2022
and

W.M.P.Nos.9096 & 9097 of 2022

AD(CO)
RGA(25/04/2022)