



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2022

WEB COPY

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE

AND

THE HON'BLE MRS.JUSTICE N.MALA

W.P.No.11192 of 2022

V.Mani

..Petitioner

Vs

1 The District Collector
Dharmapuri District.

2 The District Revenue officer
Dharmapuri District.

3 The Thasildar
Karimangalam Taluk
Dharmapuri District.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for a writ of certiorari to call for the records of the 3rd respondent dated 11.03.2022 under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 and to pass further orders.

For the Petitioner : Mr.J.Pradeep

For the Respondents : Mr.J.Ravindran
Additional Advocate General
assisted by
Mr.A.Selvendran
Special Government Pleader

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

This writ petition has been filed to challenge the notice dated 11.3.2022 issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905.



2. The petitioner initially filed a civil suit, bearing O.S.No.138 of 2021, before the District Munsif Court, Harur, where, as admitted by learned counsel for the petitioner, no interim order exists against the respondents. The petitioner, then preferred an appeal under Section 10 of the Tamil Nadu Land Encroachment Act, 1905 [for short, "the Act of 1905"] against the notice dated 11.3.2022 issued under Section 6 of the Act of 1905, where also no interim order was granted. Pending these proceedings, the present writ petition has been filed to seek an appropriate order to save the encroachment alleged to have been made by the petitioner encroaching the Government land.

3. Inasmuch as, the appeal preferred by the petitioner is pending before the appellate authority, any order passed herein would have a bearing on the pending appeal.

4. Taking into consideration the overall facts and circumstances of the case, we dispose of the writ petition with a direction to the appellate authority, namely the District Collector, Dharmapuri, to expedite the hearing of the appeal and decide the same on merits and in accordance with law at the earliest. However, the direction aforesaid would not be construed as an interim protection in favour of the petitioner in respect of the alleged encroachment. There will be no order as to costs. Consequently, W.M.P.Nos.10769 and 10771 of 2022 are closed.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

bbr

To:

- 1 The District Collector
Dharmapuri District.
- 2 The District Revenue officer
Dharmapuri District.
- 3 The Thasildar
Karimangalam Taluk
Dharmapuri District.

+1 cc to Government Pleader sr33154 dt 13/06/2022

W.P.No.11192 of 2022

mg(co)

aa10/06/2022

aa13/06/2022