



W.P.No.27859 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2022

CORAM

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

Writ Petition No.27859 of 2022

A.Rathinavel

.. Petitioner

Vs.

1. The District Collector
Salem District
Salem.
2. The Tahsildar
Salem
Salem District.
3. The Revenue Inspector
Office of the District Collector
Valasaiyur, Salem Taluk
Salem District.

.. Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a writ of Mandamus forbearing the respondents from evicting the petitioner from the Government Tharisu Poramboke land measuring 1.50 acres in S.No.105/1, Velliyampetti Village, Kuppanur



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Kaatu Valavu, Salem District, till the disposal of the statutory appeal of the petitioner dated 12.10.2022 by the first respondent.

For the Petitioner : Mr.K.Selvaraj

For the Respondents : Mrs.R.Anitha
Special Government Pleader

ORDER

(Made by the Hon'ble Acting Chief Justice)

This writ petition has been filed to forbear the respondents from evicting the petitioner from the Government Tharisu Poramboke land measuring 1.50 acres in S.No.105/1, Velliyampetti Village, Kuppanur Kaatu Valavu, Salem District, till the disposal of the statutory appeal of the petitioner dated 12.10.2022 by the first respondent.

2. Learned counsel for the petitioner submitted that the petitioner is residing in the land in question, by constructing a house and cattle shed and has also obtained electricity connection and cultivating various crops for more than thirty years. During the year 2017, the petitioner has made an application to the second



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respondent Tahsildar to issue patta for the land in question. But, the third respondent Revenue Inspector has issued a show cause notice calling upon the petitioner to show cause as to why he should not be evicted from the said land, to which, the petitioner submitted his explanation on 05.09.2022 and same was acknowledged. However, no enquiry has been conducted till date.

3. In the meanwhile, the second respondent has issued an order of eviction under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, after issuing notice under Section 7 of the Act, against which the petitioner has filed an appeal before the first respondent and the same is still pending. Thus, learned counsel for the petitioner pleaded that till the disposal of the said appeal, the respondents may be directed not to take any coercive steps against the petitioner.

4. Learned Special Government Pleader submits that the first respondent will consider the appeal of the petitioner and dispose of the same, on merits and in accordance with law, within a period of two weeks.



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5. In view of the above submission of learned Special Government Pleader, this writ petition is disposed of directing the first respondent to take up the appeal of the petitioner and dispose of the same within the reasonable time. Till then, both the parties are directed to maintain status quo. There will be no order as to costs. Consequently, WMP No.27151 of 2022 is closed.

(T.R., ACJ.) (D.K.K., J.)
19.10.2022

Index : Yes/No

kpl

To

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T.RAJA, ACJ,
and
D.KRISHNAKUMAR,J

(kpl)

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