



W.P.No.29795 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2022

CORAM

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

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

Writ Petition No.29795 of 2022

M.Sakthimohan

.. Petitioner

Vs.

1. The District Revenue Officer
Thiruvannamalai District
Thiruvannamalai.

2. The Revenue Divisional Officer
Thiruvannamalai
Thiruvannamalai District.

3. The Tahsildar
Kilpennathur Taluk
Thiruvannamalai District.

4. M.Dhakshanamoorthy

5. The District Collector
Thiruvannamalai District
Thiruvannamalai.

.. Respondents

[R5 impleaded suo motu]



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Prayer: Writ Petition under Article 226 of the Constitution of India praying for a writ of Mandamus directing the first respondent to dispose of the petitioner's appeal dated 17.10.2022 pending on the file of the first respondent within a stipulated time.

For the Petitioner : Mr.R.Jayaprakash

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for Respondents 1 to 3 & 5

ORDER

(Made by the Hon'ble Acting Chief Justice)

This writ petition has been filed seeking a direction to the first respondent to dispose of the petitioner's appeal dated 17.10.2022.

2. By the proceedings dated 25.08.2022, the second respondent called upon the petitioner to vacate and hand over the vacant land within 15 days on the ground that he has encroached the land in S.No.338/57, which is Natham and classified as common lane and if the petitioner has any objection, he can file an appeal before the District Revenue Officer. Accordingly, the petitioner has preferred an appeal before the first respondent on 17.10.2022 and the same is

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3. Learned State Government Pleader, drawing our attention to the proceedings of the third respondent dated 21.09.2022 issued under Section 6 of the Act 3 of 1905, submitted that if the petitioner is aggrieved, he can prefer an appeal to the District Collector under Section 10 of the Act. If the petitioner files an appeal before the District Collector against the proceedings dated 21.09.2022, the appeal of the petitioner pending before the District Revenue Officer may also be heard by the District Collector.

4. Learned counsel for the petitioner conceded to the submission of learned State Government Pleader.

5. In the facts and circumstances of the case, the District Collector, Tiruvannamalai is a necessary party as he has to pass orders on the appeal filed against the order of the third respondent. Since, he has not been made a party to the writ petition, he is now impleaded suo motu.



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6. In view of the submission made by learned State Government Pleader, the writ petition is disposed of directing the petitioner to file an appeal against the proceedings initiated under Section 6 of the Act before the District Collector, Tiruvannamalai within a week from the date of receipt of a copy of this order and on such appeal being filed, the District Collector, Tiruvannamalai shall take up the same, along with the appeal filed against the order of the second respondent and pending before the District Revenue Officer and to dispose of them within a period of eight weeks from the date of filing of the appeal, after giving notice to the petitioner. Till then, both the parties are directed to maintain status quo. There will be no order as to costs. WMP No.29189 of 2022 is closed.

(T.R., ACJ.) (D.K.K., J.)
09.11.2022

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

(kpl)

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