



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.05.2022

CORAM :

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE
AND
THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.10204 of 2022
and
W.M.P.(MD)No.7242 of 2022

Bose, S/o.Duraisamy

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The District Revenue Officer,
Sivagangai District,
Sivagangai.

3.The Tahsildar,
Kalayarkovil Taluk,
Sivagangai.
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents from evicting the petitioner from the petitioner's land in Survey No.56/2, admeasuring 48 cents, situated at Kollangudi Village Group, Kalayarkovil Taluk, Sivagangai District, till the hearing and disposal of the petitioner's application, dated 24.03.2020, pending on the file of the second respondent.

For Petitioner : Mr.V.Kannan
For Respondents : Mr.A.Kannan
Additional Government Pleader

O R D E R

(Order of the Court was made by ABDUL QUDDHOSE, J.)

This Writ Petition has been filed for a Mandamus, seeking to forbear the respondents from evicting the petitioner from his land in Survey No.56/2, measuring 48 cents, situated at Kollangudi Village Group, Kalayarkovil Taluk, Sivagangai District, till the



hearing and disposal of the petitioner's application, dated 24.03.2020, pending on the file of the second respondent.

2. Aggrieved by the order passed under Section 6 of the Land Encroachment Act, the petitioner has preferred a statutory appeal under Section 10 of the Tamil Nadu Land Encroachment Act, 1905 before the second respondent on 24.03.2020. Admittedly, the said appeal is still pending. The petitioner seeks protection of his possession till the disposal of the statutory appeal.

3. No prejudice would be caused to the respondents if such a direction is issued by this Court. However, a further direction will have to be issued to the second respondent to dispose of the statutory appeal within a time frame to be fixed by this Court.

4. For the foregoing reasons, the second respondent is directed to pass final orders on the petitioner's statutory appeal dated 24.03.2020, pertaining to the land comprised in Survey No.56/2, measuring 48 cents situated at Kollangudi Village Group, Kalayarkovil Taluk, Sivagangai District, within a period of 12 weeks from the date of receipt of a copy of this order. Till final orders are passed, the petitioner's possession over the subject property shall not be disturbed by the respondents.

5. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

smn

To

1. The District Collector,
Sivagangai District,
Sivagangai.
2. The District Revenue Officer,
Sivagangai District,
Sivagangai.
3. The Tahsildar,
Kalayarkovil Taluk,
Sivagangai.
Sivagangai District.

+1 CC to M/s.SPL.GP (SR-23818[F] dated 19/05/2022)

+1 CC to M/s.V.Kannan, Advocate (SR.No.4846)

W.P (MD) No.10204 of 2022

18.05.2022

MGJ(27.05.2022) 2P 6C

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