



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.05.2022**

CORAM:

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.10517 of 2022

and

W.M.P(MD)Nos.7653 and 7658 of 2022

S.Veerappan : Petitioner

vs.

1.The Commissioner,
Thanjavur City Municipal Corporation,
Thanjavur.

2.The Estate Officer,
Thanjavur City Municipal Corporation,
Thanjavur. : Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of the second respondent in ROC.No. 13609/2021/MCF3, dated 20.05.2022 and quash the same as arbitrary and illegal.

For Petitioner : Mr.K.Baalasundharam

For R1 and R2 : Mr.N.Dilipkumar
Standing Counsel

O R D E R

[Order of the Court was made by **R.VIJAYAKUMAR, J.**]

The present Writ Petition has been filed challenging the order passed under Section 6 of the Tamil Nadu Public Premises (Eviction of Unauthorised Occupants) Act, 1975.

2.The petitioner has suffered an order under Section 6 of the said Act and already, the petitioner had filed an Appeal in C.M.A.No.3 of 2022, before the Vacation Judge, Thanjavur District. Accordingly, the petitioner has also filed an Interlocutory Application in I.A.No.48 of 2022, praying for stay of the order passed by the original authority. The Vacation Judge has ordered notice in the stay application. In the meantime, the present impugned order has been passed by the second respondent under Section 6 of the said Act, directing the petitioner to remove the articles from the disputed premises.



3. Admittedly, the statutory appeal has been filed by the petitioner, which is still pending and notice has been ordered in the interim application. When the matter is seized of by the appellate authority, the original authority cannot be permitted to proceed further.

WEB COPY

4. In view of the said order, we are inclined to pass the following order:

(i) During the pendency of the appeal filed by the petitioner in C.M.A.No.3 of 2022, the respondents shall not proceed to execute the order. The impugned order shall be kept in abeyance.

(ii) The learned Principal District Judge, Thanjavur, shall dispose of the Appeal in C.M.A.No.3 of 2022, on or before **31.08.2022**.

5. With these directions, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

lr/smn2

To:

1. The Commissioner,
Thanjavur City Municipal Corporation,
Thanjavur.

2. The Estate Officer,
Thanjavur City Municipal Corporation,
Thanjavur.

Copy to:

1. The Principal District Judge, Thanjavur.

2. The Vacation Judge, Thanjavur.

+1 CC to M/s.N. DILIPKUMAR, Advocate (SR-24138[F] dated 26/05/2022)

+1 CC to M/s.K. BAALASUNDHARAM, Advocate (SR-24161[F] dated 26/05/2022)

W.P(MD)No.10517 of 2022
25.05.2022

RD(27.05.2022) 2P 7C

<https://hcservices.ecourts.gov.in/hcservices/>