



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.10516 of 2022

and

W.M.P(MD)No.7640 of 2022

N.S.Ramaraj

: Petitioner

vs.

1.The Commissioner of Land Administration,
Land Administration Department,
2nd Floor, Ezhilagam,
Chepauk, Chennai.

2. The District Collector,
Virudhunagar District, Virudhunagar.

3. The District Revenue Officer,
Virudhunagar District, Virudhunagar.

4. The Revenue Divisional Officer,
Sattur, Virudhunagar District.

5. The Thasildar,
Rajapalayam Taluk,
Virudhunagar 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 taking any coercive steps qua the petitioner's house pursuant to the proceedings of the fifth respondent in Na.Ka.A6/7002/2020, dated 10.05.2022 or in any way dispossessing the petitioner pending disposal of the appeal in Serial No.3606316 of 2022 on the file of second respondent.

For Petitioner : Mr.H.Jasima Yasmin
for M/s.Ajmal Associates

For Respondents : Mr.S.R.A.Ramachandran
Additional Government Pleader



O R D E R

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

This Writ Petition has been filed in the nature of Mandamus, seeking to forbear the respondents from taking any coercive steps qua the petitioner's house pursuant to the proceedings of the fifth respondent in Na.Ka.A6/7002/2020, dated 10.05.2022 or in any way dispossessing the petitioner pending disposal of the appeal in Serial No.3606316 of 2022 on the file of second respondent.

2.The prayer sought for herein is for a Writ of Mandamus, directing the respondents from taking any coercive steps against the petitioner's house, pursuant to the proceedings of the fifth respondent, dated 10.05.2022. By order, dated 10.05.2022, the Tahsildar concerned passed an order against the petitioner for dispossession from the encroachment. The petitioner allegedly made encroachment in S.Nos.1661/1 and 1661/1A. As against the said order, the petitioner preferred an Appeal before the District Revenue Officer in Appeal No.273 of 2022, which is still pending. In that Appeal, an Interlocutory Application has also been filed by the petitioner seeking for stay of the order passed by the Revenue Tahsildar, dated 10.05.2022 by Interlocutory Application, dated 22.05.2022.

3.The said Interlocutory Application is also still pending before the appellate authority and in the meanwhile, the respondents are trying to dispossess the petitioner pursuant to the order dated 10.05.2022, despite the pendency of the Appeal, where Interlocutory Application filed is yet to be disposed of.

4.Heard the learned Additional Government Pleader, who would submit that against the petitioner an order of removal has been passed, as against that, an appeal has been filed. Since there has been no stay granted by the appellate authority, there can be no further impediment to the respondents to implement the order dated 10.05.2022.

5.We have considered the abovesaid submissions made by both sides and perused the materials placed before this Court.

6.In the Interlocutory Application seeking for stay filed on 22.05.2022, one way or the other, unless the decision of the appellate authority is made, it may not be justifiable for the respondents to execute the order dated 10.05.2022, as in that case, if the order dated 10.05.2022 is executed that will make the Appeal proceedings itself infructuous. In that view of the matter, we deem it to pass the following order by disposing this writ petition that;



(i) there shall be a direction to the second respondent/District Collector to take up the Interlocutory Application, dated 22.05.2022 filed by the petitioner in Appeal S.No.3606316 and decide the said Interlocutory Application seeking for stay on merits and in accordance with law, after giving opportunity of hearing to the petitioner within a period of fifteen days from the date of receipt of a copy of this order; and

(ii) till such time, that is, disposal of the stay application as directed above, the respondents shall not proceed to execute the order, dated 10.05.2022 against the petitioner.

7.With the above directions, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Vacation Officer/
Assistant Registrar

// True Copy //

28/05/2022

Sub Assistant Registrar(CS)

lr/smn2

To

1.The Commissioner of Land Administration,
Land Administration Department,
2nd Floor, Ezhilagam,
Chepauk, Chennai.

2. The District Collector,
Virudhunagar District, Virudhunagar.

3. The District Revenue Officer,
Virudhunagar District, Virudhunagar.

4. The Revenue Divisional Officer,
Sattur, Virudhunagar District.

5. The Thasildar,
Rajapalayam Taluk, Virudhunagar District.

+1 CC to M/s.SPL.GP. (SR-24141[F] dated 26/05/2022)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-24130[F] dated 26/05/2022)

W.P (MD) No.10516 of 2022
25.05.2022

RK(28/05/2022) 3P 8C

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