



W.P(MD)No.17755 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

**W.P(MD)No.17755 of 2021
and
WMP(MD)Nos.14642 and 14644 of 2021**

1. Petchiammal

2. Mahendran

... Petitioners

VS.

1. The Commissioner of Land Administration,
Ezhilagam,
Chepauk,
Chennai.

2. The District Collector,
Virudhunagar.

3. The District Revenue Officer,
Virudhunagar.

4. The Revenue Divisional Officer,
Virudhunagar.



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5. The Tahsildar,
Aruppukottai Taluk,
Virudhunagar District.

6. The Block Development Officer,
(Village Panchayaths),
Virudhunagar.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, calling for the records relating to the impugned notices dated 06.08.2021 and 28.08.2021 issued by the 5th respondent in respect of the subject property in Survey No.388/3, Soolakkarai Village, Aruppukkottai Taluk, Virudhunagar District and quash the same.

For Petitioner : Mr.J.Barathan
For Respondents : Mr.P.Thilakkumar
Government Pleader

ORDER

(Order of the Court was made by R.MAHADEVAN, J.)

Challenging the eviction notice issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, this writ petition has been filed.

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2. Today, when the writ petition was taken up for hearing, learned counsel for the petitioners submitted that as against the impugned eviction notice, the petitioners are inclined to prefer appeal under Section 10 of the Tamil Nadu Land Encroachment Act, 1905, along with stay application, to the 2nd respondent and therefore, it is suffice if a direction is issued permitting the petitioners to file such appeal with a further direction to the 2nd respondent to dispose of the same within a time frame, for which, learned Government Pleader appearing for the respondents is agreeable.

3. In view of the limited relief sought for, the petitioners are directed to file appeal under Section 10 of the Tamil Nadu Land Encroachment Act, 1905, along with stay application, before the 2nd respondent within a period of four weeks from today and on such filing, the 2nd respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law within a period of eight weeks thereafter. Till the stay application is disposed



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of by the appellate authority, the respondents shall not take any coercive steps against the petitioners.

4. With the above direction, the Writ Petition is disposed of.
No costs. Consequently, connected miscellaneous petitions are closed.

[R.M.D.,J.] & [J.S.N.P.,J.]
18.11.2022

Index : Yes / No
Internet : Yes
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R.MAHADEVAN, J.
and
J.SATHYA NARAYANA PRASAD, J.

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ORDER MADE IN
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DATED : 18.11.2022