



W.P.(MD) No.24931 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.11.2022

CORAM:

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

W.P.(MD) No.24931 of 2022

B.Chithiraivel

... Petitioner

-vs-

1.The District Collector
Ramanathapuram District
Ramanathapuram

2.The Revenue Divisional Officer
O/o.The Revenue Divisional Office
Paramakudi Taluk
Ramanathapuram District
Ramanathapuram

3.The Tahsildar
O/o.The Tahsildar
Paramakudi
Ramanathapuram District

4.The Block Development Officer
(Panchayat Union)
Paramakudi
Ramanathapuram District

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the first respondent to dispose the petitioner's appeal petition dated 12.08.2022 filed under Section 10 of the Land Encroachment Act, 1905 and consequently restrain the respondents from evicting the petitioner from his dwelling house in Survey No.119/28, an extent of 629 sq.feet and 119/32 in an extent of 990 sq.feet by alleging that the said survey numbers were reclassified as a pathway in Survey No.119/29 and 119/33 and passes through his patta land situated at S.Kavanoor Village, Paramakudi Taluk, Ramanathapuram District, till the disposal of said appeal dated 12.08.2022, within a time frame.

For Petitioner : Mr.T.Thirumurugan

For Respondents : Mr.S.P.Maharajan
Special Government Pleader for R1 to R3
Mr.G.V.Vairam Santhosh
Additional Government Pleader for R4

ORDER

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

Mr.S.P.Maharajan, learned Special Government Pleader, takes notice for the respondents 1 to 3 and Mr.G.V.Vairam Santhosh, learned Additional Government Pleader, takes notice for the fourth respondent.



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2. With the consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

3. The prayer in the writ petition is for issuance of a writ of mandamus directing the first respondent to dispose of the petitioner's appeal dated 12.08.2022, filed under Section 10 of the Tamil Nadu Land Encroachment Act, 1905, within a time frame and consequently, to restrain the respondents from evicting him from his dwelling house situated in Survey No.119/28, to an extent of 629 sq.ft. and Survey No.119/32, to an extent of 990 sq.ft., of S.Kavanoor Village, Paramakudi Taluk, Ramanathapuram District, on the ground of reclassification of the house site as “pathway” and renumbering it as Survey Nos.119/29 and 119/33, which are alleged to be passing through his patta land, till the disposal of the said appeal.

4. Today, when the matter was taken up for hearing, the learned counsel for the petitioner submitted that it would suffice if a direction is given to the first respondent to dispose of the petitioner's appeal dated 12.08.2022, within a stipulated time.



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5. In view of the limited relief sought for, without expressing any opinion on the merits of the case, the first respondent is directed to dispose of the appeal dated 12.08.2022 preferred by the petitioner against the eviction notice issued by the fourth respondent, dated 03.08.2022, on merits and in accordance with law, if not already disposed of, as expeditiously as possible, preferably within a period of six weeks from the date of receipt of a copy of this order. Till the disposal of the appeal, no coercive steps shall be taken by the respondents.

6. With the above direction, the writ petition is disposed of. No costs.

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

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Index : Yes / No

Internet : Yes / No

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