



WEB COPY

2BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.12.2022**

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
AND
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P(MD)NO.25369 OF 2022

A.Jervis

:Petitioner

.VS.

1.The District Collector,
Tirunelveli District.

2.The Revenue Divisional Officer,
Tirunelveli District.

3.The Tahsildar,
Manur Taluk,
Tirunelveli District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the first respondent to dispose of the Petitioner's stay application filed along with the appeal, dated 3.11.2022, on the file of the first respondent and consequently to forbear the respondents from disturbing the possession of the Petitioner in S.No.71/5, Manur Village and Taluk, Tirunelveli District.

For Petitioner

:Mr.G.Prabhu Rajadurai

For Respondents

:Mr.K.Balasubramani
Addl.Govt.Pleader



ORDER

WEB COPY (Order of the Court was made by D.KRISHNAKUMAR,J)

This Writ Petition is filed seeking issuance of a Writ of Mandamus directing the first respondent to dispose of the Petitioner's stay application filed along with the appeal, dated 3.11.2022, on the file of the first respondent and consequently to forbear the respondents from disturbing the possession of the Petitioner in S.No.71/5, Manur Village and Taluk, Tirunelveli District.

2.Heard the learned counsel appearing on either side and perused the materials available on record.

3.The Petitioner has been in possession and enjoyment of the subject matter property for the past several years and also paid the house tax, which was enclosed along with the typed-set of papers. That being so, the respondents herein had issued the eviction notice under Section 6 of the Tamil Nadu Land Encroachment Act proceeded with Section 7 notice. The Petitioner preferred an appeal before the District Collector under Section 10 of the Tamil Nadu Land Encroachment Act along with the stay application. The respondents have not considered the said stay application. Hence



the present Writ Petition is filed for the relief stated supra.

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4. At the time of admission, this Court had granted an interim order directing the first respondent to dispose of either the appeal filed by the Petitioner, dated 3.11.2022 or the stay application filed along with the said appeal, as expeditiously as possible and till such disposal, the eviction notice, dated 28.10.2022 issued by the third respondent herein shall be kept in abeyance.

5. The learned Additional Government Pleader appearing for the respondents, on instructions, would submit that as of now, the above said appeal is pending and the first respondent is ready and willing to dispose of the said appeal within the time specified by this Court. The learned Additional Government Pleader would further submit that notice has been served on the Petitioner as well as the other parties concerned, for an enquiry, for the disposal of the appeal.

6. In view of the aforesaid submission, this Court directs the first respondent to dispose of the appeal filed by the Petitioner on 3.11.2022 and pass appropriate orders on its own merits and in



accordance with law, after affording an opportunity of hearing to all the parties concerned, within a period of eight weeks from the date of receipt of a copy of this order. Till such time, the interim order already granted by this Court shall be in force.

7. With the above directions, the Writ Petition stands disposed of. No costs.

[D.K.K.,J.] [R.V.,J.]
05.12.2022

Index:Yes/No

Internet:Yes/No

vsn

To

1. The District Collector,
Tirunelveli District.
2. The Revenue Divisional Officer,
Tirunelveli District.
3. The Tahsildar,
Manur Taluk,
Tirunelveli District.



D.KRISHNAKUMAR, J.

AND

R.VIJAYAKUMAR, J.

vsn

ORDER MADE IN

W.P(MD)No.25369 of 2022

05.12.2022