



W.P.(MD) No.27731 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.27731 of 2022

and

W.M.P.(MD)No.21831 of 2022

R.Pandi

... Petitioner

-Vs-

1.The District Collector,
Madurai District, Madurai.

2.The Revenue Divisional Officer,
Melur Revenue Divisional Office,
Narasingampatti @ Vellaripatti,
Melur Taluk, Madurai District, Madurai-625 122.

3.The Tahsildar,
Melur Taluk Office,
Melur-625 106, Madurai District.

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4.The Block Development Officer,
Melur, (East Panchayat Union),
Melur (Block), Melur,
Madurai District.

5.The Panchayat President,
Naavinipatty Village Panchayat,
Naavinipatty Post, Melur T.K.,
Madurai District-625 106.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned notice issued by the 5th respondent in T2/FTO/913/Thi1, dated 23.11.2022 quash the same insofar as the petitioner is concerned, Survey No.481/1B, 481/2 Naavinipatty Village, Melur Taluk, Madurai District.

For Petitioner	: Mr.G.Thalaimutharasu For Mr.N.Mohamed Ayyadurai
For R1 to R3	: Mr.P.T.Thiraviyam, Government Advocate
For R4 and R5	: Mr.P.Thilak Kumar, Government Pleader



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ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

The eviction notice dated 23.11.2022 issued by the 5th respondent, directing the encroachers to remove the encroachments, is under challenge in this Writ Petition.

2.Mr.P.T.Thiraviyam, learned Government Advocate takes notice for the respondents 1 to 3 and Mr.P.Thilak Kumar, learned Government Pleader takes notice for the respondents 4 and 5.

3.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4.A perusal of the typed set of papers filed in support of this Writ Petition shows that the petitioner has already preferred an appeal before the 1st respondent on 28.11.2022, challenging the very same eviction notice dated 23.11.2022, which is impugned herein and the same is pending. Hence, this Writ

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Petition is not maintainable. However, the learned counsel for the petitioner has made a request before this Court that it is suffice, if the said appeal dated 28.11.2022 preferred before the 1st respondent is directed to be disposed of within a time frame, for which, the learned Government Pleader for the respondents 4 and 5 made serious objections.

5.In the light of the above submissions, we are inclined to direct the 1st respondent to consider the appeal filed by the petitioner dated 28.11.2022 and pass appropriate orders on its own merits and in accordance with law as early as possible, preferably, within a period of eight (8) weeks from the date of receipt of a copy of this order. Till such time, *status-quo* prevailing as on date shall be maintained by both the parties.

6.With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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

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Index : Yes / No

Internet : Yes / No

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