



W.P.(MD) No.18379 & 18393 of 2017

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.09.2022

CORAM:

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

**W.P.(MD) No.18379 & 18393 of 2017
and
W.M.P.(MD) Nos.14817 & 14833 of 2017**

R.Valarmathi

... Petitioner in W.P.(MD) No.
18379 of 2017

Manjula Alagappan
rep.by Power Agent Meenal

... Petitioner in W.P.(MD) No.
18393 of 2017

-vs-

1.The Tahsildar
Thanjavur
Thanjavur District

2.The District Collector
Thanjavur District
[R2 is impleaded vide Court order
dated 05.12.2017 in W.M.P.(MD)
Nos.18014 & 18015 of 2017 in W.P.
(MD) Nos.18379 & 18393 of 2017
respectively]

... Respondents in both W.Ps.



W.P.(MD) No.18379 & 18393 of 2017

PRAYER (in W.P.(MD) No.18379 of 2017): Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus forbearing the respondent herein, his subordinates or any other official from interfering with the petitioner's peaceful possession of the house property measuring 432 sq.ft. In T.S.No.2054, Karunthattankudi Village, Thanjavur District, pursuant to the eviction notice of the respondent in Na.Ka.No.11702/2002/AA5, dated 17.08.2017 and the consequent order of eviction of the respondent in Na.Ka.No.11702/2002/AA5, dated 05.09.2017, issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905.

PRAYER (in W.P.(MD) No.18393 of 2017): Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus forbearing the respondent herein, his subordinates or any other official from interfering with the petitioner's peaceful possession of the house property measuring 915 sq.ft. In T.S.No.2054, Karunthattankudi Village, Thanjavur District, pursuant to the eviction notice of the respondent in Na.Ka.No.11702/2002/AA5, dated 05.09.2017, issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905.

For Petitioner : Mr.P.Vadivel
(in both cases)
For Respondents : Mr.P.Thilakkumar
(in both cases) Government Pleader



WEB COPY

W.P.(MD) No.18379 & 18393 of 2017

COMMON ORDER

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

Since the issue involved in both the writ petitions is one and the same, they have been clubbed together, heard together and are being disposed of by this common order.

2. The prayer in these writ petitions is for issuance of a writ of mandamus forbearing the first respondent from interfering with the petitioners' peaceful possession of the house property in T.S.No.2054, Karunthattankudi Village, Thanjavur District, pursuant to the eviction notice in Na.Ka.No.11702/2002/AA5, dated 17.08.2017 and the consequent eviction order in Na.Ka.No.11702/2002/AA5, dated 05.09.2017, issued by the first respondent, under Section 6 of the Tamil Nadu Land Encroachment Act, 1905.

3. Today, when the matter was taken up for hearing, the learned counsel for the petitioners submitted that challenging the above eviction proceedings, the petitioners have preferred statutory appeals before the second respondent and the same are pending consideration and hence, the writ petitions may be disposed of with a direction to the second respondent to dispose of the appeals, within a time frame.



WEB COPY

W.P.(MD) No.18379 & 18393 of 2017

4. In view of the limited relief sought for, the second respondent is directed to dispose of the appeals preferred by the petitioners challenging the eviction proceedings in the manner known to law, as expeditiously as possible. Till the appeals are disposed of, *status quo* prevailing as on date shall be maintained.

5. With the above directions, the writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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

29.09.2022

Index : Yes / No

Internet : Yes / No

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To:

1.The Tahsildar,
Thanjavur,
Thanjavur District.

2.The District Collector,
Thanjavur District.



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W.P.(MD) No.18379 & 18393 of 2017

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and
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