



W.P.No.3909 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2023

CORAM

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Writ Petition No.3909 of 2023

Tamilselvi

.. Petitioner

Vs.

1. The District Collector
District Collector Office
Namakkal District.

2. The Tahsildar
Mohanur Taluk
Namakkal District.

.. Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a writ of Mandamus directing the first respondent to consider and dispose of the petitioner's unnumbered appeal dated 01.02.2023 on his file, in accordance with law within a time limit to be fixed by this Hon'ble Court and further direct the respondents and his subordinates not to take any coercive action till such time.



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For the Petitioner : Mr.M.Saravanan
For the Respondents : Mr.P.Muthukumar
State Government Pleader

ORDER
(Made by the Hon'ble Acting Chief Justice)

The petitioner seeks a direction to the first respondent to consider and dispose of her unnumbered appeal dated 01.02.2023, in accordance with law and not to take any coercive action till then.

2. According to the petitioner, she purchased a land of an extent of 4609¼ sq.ft. in S.No.210/56, S.Vazhavanthi, Mohanur Taluk, Namakkal District vide registered sale deed in the year 2013, which was classified as Grama Natham in the revenue records. Since then, she is in possession and enjoyment of the said land. She has applied to the second respondent for mutation of name in patta on 16.08.2021. She has also filed a suit in O.S.No.107 of 2021 before District Munsif Court, Paramathi for permanent injunction not to disturb her peaceful possession and mutation of patta.



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3. The second respondent, pursuant to the order of the Court dated 03.11.2022 directing the respondents to complete the enquiry and take a final decision, in W.P.No.12396 of 2022 filed by the Panchayat President for removing the encroachment in S.No.210/4, 210/30 and 210/546 which is a government poramboke land, called upon the petitioner to appear for an enquiry, along with documents, on 20.01.2023 before the second respondent. On that date, she appeared before the second respondent and explained her case. Thereafter, she has been issued with a notice under Section of the Tamil Nadu Land Encroachment Act, 1905. Hence, she preferred an appeal before the first respondent on 01.02.2023 and has come up with this writ petition.

4. Considering the facts and circumstances of the case, the first respondent is directed to consider the appeal preferred by the petitioner and pass appropriate orders, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.



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5. The writ petition is disposed of. There will be no order as to costs.

(T.R., ACJ.) (D.B.C., J.)
10.02.2023

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

1. The District Collector
District Collector Office
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2. The Tahsildar
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T.RAJA, ACJ,
and
D.BHARATHA CHAKRAVARTHY,J

(kpl)

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