



W.P.No.7386 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.7386 of 2023

K.N.Parasuraman
Petitioner

..

Vs

1.The District Collector,
Nilgiris District.

2.The Tashildar,
Gudalur, Nilgiris District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents not to interfere with the land in Survey No.176/2 in Sri Madurai Village, Gudalur Taluk pursuant to the eviction notice under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 dated 29.12.2022 till the disposal of the Appeal dated 03.02.2023 pending before the first respondent.

For the Petitioner : Mr.J.Franklin

For the Respondents : Mr.P.Muthukumar
State Government Pleader



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ORDER

(Order of the court was made by the Hon'ble Acting Chief Justice)

K.N.Parasuraman, son of Narayanan Chetty, a resident of Gudalur, The Nilgiris District, has filed this writ petition seeking issuance of a writ of mandamus directing the respondents not to interfere with the land in Survey No.176/2 in Sri Madurai Village, Gudalur Taluk pursuant to the eviction notice dated 29.12.2022 issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 till the disposal of the appeal dated 03.02.2023 pending before the first respondent.

2. Mr.J.Franklin, learned counsel appearing on behalf of the petitioner, would submit that the petitioner is cultivating the land of an extent of 50 cents in Survey No.176/2 for the past 30 years and a 'B' memo has also been issued in favour of his wife. The said land is classified as "Anaadheenam" in the revenue records. The petitioner was served with a notice dated 13.12.2022 under Section 7 of the Act. Even though the petitioner sent a representation on



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14.12.2022, it is alleged that the respondents did not consider the same in right perspective and rejected it out of hand. Pursuant to the same, the second respondent issued notice under Section 6 of the Act on 29.12.2022. Assailing the same, the petitioner preferred an appeal before the first respondent on 3.2.2023 and the same is pending consideration. However, as the respondents are taking steps to evict the petitioner, the petitioner has been advised to file this writ petition.

3. Mr.P.Muthukumar, learned State Government Pleader appearing on behalf of the respondents, would submit that, if four weeks' time is granted, the first respondent shall consider the appeal filed by the petitioner and pass appropriate orders on merits and in according with law, provided the petitioner extends his fullest co-operation. He further submitted that till the disposal of the appeal no coercive action shall be taken by the respondent authorities.

4. Recording the aforesaid submission made by learned State Government Pleader, the writ petition is disposed of with a direction



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to the first respondent to dispose of the appeal preferred by the petitioner on merits and in accordance with law within four weeks' from the date of receipt of a copy of this order. The petitioner is directed to extend his fullest co-operation for speedy disposal of the appeal. If the petitioner fails to co-operate for the speedy disposal of the appeal, the first respondent shall proceed with the matter on merits and ensure that the appeal is disposed of within the time stipulated hereinabove. It is made clear that till the disposal of the appeal preferred by the petitioner, the parties shall maintain status-quo.

There will be no order as to costs. Consequently,
W.M.P.No.7470 of 2023 is closed.

(T.R., ACJ.) (D.B.C., J.)
10.03.2023

Index : No
Neutral Citation : No
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To:

- 1.The District Collector,
Nilgiris District.
- 2.The Tashildar,
Gudalur, Nilgiris District.



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THE HON'BLE ACTING CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

(sasi)

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