



W.P.No.16201 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.05.2023

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

AND

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.No.16201 of 2023

K.Elumalai

.. Petitioner

Vs

1.The District Collector,
Tindivanam District,
Tindivanam.

2.The Block Development Officer,
Mayilam Panchayat,
Tindivanam Taluk,
Villupuram District.

3.The Tahsildar,
Tindivanam Taluk,
Villupuram District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus forbearing the second respondent from dispossessing the petitioner from the lands in S.No.5/6A of an extent of 0.67.0 Hectares and S.No.5/4 of an extent



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of 1.36.0 Hectares in Chinna Nerkunam Village, Tindivanam Taluk and District pending disposal of the petitioner's appeal petition dated 23.2.2023 which was received on 27.2.2023 before the first respondent.

For the Petitioner : Mr.S.Ravichandran

For the Respondents : Mrs.R.Anitha
Spl. Government Pleader

ORDER

(Order of the court was made by V.LAKSHMINARAYANAN,J.)

The writ petition has been filed by the petitioner seeking issuance of a writ of mandamus to forbear the second respondent from dispossessing the petitioner from the lands in S.No.5/6A measuring an extent of 0.67.0 Hectares and in S.No.5/4 measuring an extent of 1.36.0 Hectares situated at Chinn Nerkunam Village, Tindivanam Taluk, pending disposal of the appeal petition dated 23.2.2023 filed by the petitioner before the first respondent.

2. The petitioner has filed an appeal against the order of eviction dated 25.11.2022 issued under Section 6 of the Tamil Nadu



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Land Encroachment Act, 1905 before the statutory appellate authority, namely the District Collector, Tindivanam District, on 23.2.2023. An acknowledgment has been enclosed at page 60 of the typed-set of papers. Though an interim order has been sought in the appeal, no order has been passed by the appellate authority so far. The petitioner fears that he may be evicted from the properties on the strength of the order under appeal.

3. Considering the facts and circumstances of the case and following the judgment of this Court in the case of *A.Natarajan v. The Commissioner, Land Administration, and others, 1996-2-LW 553*, the appellate authority/District Collector, Tindivanam District, is directed to dispose of the appeal within a period of eight weeks from the date of receipt of a copy of this order. Till then, the parties are directed to maintain *status-quo*. The petitioner is restrained from selling the property till the disposal of the appeal.

With the aforesaid observation, the writ petition is disposed of. There will be no order as to costs. Consequently, W.M.P.No.15589



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of 2023 is closed.

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(B.P., J.) (V.L.N., J.)
25.05.2023

Index : No
Neutral Citation : No
sasi/bbr

To:

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- 2.The Block Development Officer,
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Villupuram District.
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B.PUGALENDHI, J.
AND
V.LAKSHMINARAYANAN, J.

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