



WP No.17634 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

WP No.17634 of 2023
and WMP No.16721 of 2023

R.Vinayagam

.. Petitioner

-vs-

1. The Government of Tamil Nadu,
Rep. by its Secretary,
Revenue and Disaster Management,
Fort St. George, Chennai.
2. The Commissioner of Land Administration,
Ezhilagam, Chepauk, Chennai.
3. The District Collector,
Tiruvannamalai District,
Tiruvannamalai.
4. The District Revenue Officer,
Tiruvannamalai District,
Tiruvannamalai.
5. The Revenue Divisional Officer,
Tiruvannamalai District,
Tiruvannamalai.
6. The Tahsildar,
Tiruvannamalai Taluk,
Tiruvannamalai District.



WP No.17634 of 2023

7. The Block Development Officer,
Tiruvannamalai Union,
Vengikkal, Tiruvannamalai.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing the respondents from evicting the petitioner from the property comprised in Survey No.20/1 situated at So.Keezhnachipat village, Tiruvannamalai Taluk and District till the disposal of the appeal dated 03.10.2022.

For the Petitioner : Mr.R.Rajarajan

For the Respondents : Mr.P.Muthukumar,
State Government Pleader,
Assisted by Mr.U.Baranidharan
Addl. Government Pleader.

* * * * *

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

We have heard Mr.R.Rajarajan, learned counsel for the petitioner.

2. The petitioner contends that against the order passed under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, the



WP No.17634 of 2023

petitioner filed an appeal under Section 10 on or about 03.10.2022.

However, the matter is not heard by the Collector and now action is being taken for demolition of the house of the petitioner.

3. We have heard Mr.P.Muthukumar, learned State Government Pleader, for the respondents.

4. We do not find that the petitioner has filed an application under Section 10(B) of the Act seeking stay. It is for the petitioner to avail the remedy in accordance with law.

5. The petitioner shall file an application for stay by tomorrow (16.06.2023). The District Collector shall decide the stay application on its own merits expeditiously, preferably within seven days. For a period of seven days, the respondents shall not take coercive action against the petitioner pursuant to the order passed under Section 6 of the Act.

6. Needless to state, on lapse of seven days, the protection granted by this Court shall come to an end.



WP No.17634 of 2023

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With these observations, the writ petition is disposed of. There will be no order as to costs. Consequently, connected miscellaneous petition is closed.

(S.V.G., CJ.)

(P.D.A., J.)

15.06.2023

Index : yes/no

Neutral Citation : Yes/No
sra



WP No.17634 of 2023

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WEB COPY

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WEB COPY



WP No.17634 of 2023

THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESAVALU, J.

(sra)

WP No.17634 of 2023

15.06.2023