



W.P.Nos.27120, 27125, 27129
& 27133 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2023

CORAM :

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

AND

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

W.P.Nos.27120, 27125, 27129 & 27133 of 2023

K.Moorthi	..	Petitioner in W.P.No.27120 of 2023
S.K.Kumar	..	Petitioner in W.P.No.27125 of 2023
R.Muthusamy	..	Petitioner in W.P.No.27129 of 2023
R.Chidambaram	..	Petitioner in W.P.No.27133 of 2023

Vs.

1. The District Collector
District Collector Office, Erode.
2. The Thasildar
Sathyamangalam, Erode District.
3. The Revenue Inspector
Sathyamangalam, Erode District.



W.P.Nos.27120, 27125, 27129
& 27133 of 2023

WEB COPY

4. Village Administrative Officer
Varathampalayam Village
Sathyamangalam Taluk
Erode District.

5. Govindasamy

Respondents
.. in all W.Ps

Prayer in W.P.Nos.27120, 27125 & 27133 of 2023: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, forbearing the respondents from disturbing with the peaceful possession of the petitioner over the agricultural land comprised in old survey No.62 & 63, Varathampalam Village, till the disposal of the appeal pending before the first respondent and without following the due process of law by considering the representation dated 02.09.2023;

Prayer in W.P.No.27129 of 2023: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, forbearing the respondents from disturbing with the peaceful possession of the petitioner over the agricultural land comprised in old survey No.121/2 & 63, Varathampalam Village, till the disposal of the appeal pending before the first respondent and without following the due process of law by considering the representation dated 02.09.2023.

For the Petitioners : Mr.R.Nalliyappan
in all W.Ps

For the Respondents : Mr.P.Muthukumar
in all W.Ps State Government Pleader
assisted by Mrs.R.Anitha
Special Government Pleader
for R1 to R4



W.P.Nos.27120, 27125, 27129
& 27133 of 2023

WEB COPY

COMMON ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.R.Nalliyappan, learned counsel for the petitioners and Mr.P.Muthukumar, learned State Government Pleader assisted by Mrs.R.Anitha, learned Special Government Pleader for respondents 1 to 4.

2. An order under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 has been passed against the petitioners.

3. Learned counsel for the petitioners submits that an appeal has been filed with the first respondent.

4. In an appeal also, the petitioners have a remedy to file a stay petition. It is for the petitioners to file a stay petition, as may be permissible under law. As against the private respondents, the petitioners have also filed a civil suit and the same is pending. More over, in writ jurisdiction, no order of injunction could be passed in respect of a private property and as against a private party.



WEB COPY



W.P.Nos.27120, 27125, 27129
& 27133 of 2023

5. In case any stay petition is filed by the petitioners, the first respondent may decide the same on its own merits expeditiously.

6. With these observations, these writ petitions stand disposed of. There will be no order as to costs. Consequently, W.M.P.Nos.26565, 26569, 26576 & 26581 of 2023 are closed.

(S.V.G., CJ.)

(P.D.A., J.)

20.09.2023

Index : Yes/No
Neutral Citation : Yes/No

drm



W.P.Nos.27120, 27125, 27129
& 27133 of 2023

WEB COPY

To

1. The District Collector
District Collector Office, Erode.
2. The Thasildar
Sathyamangalam, Erode District.
3. The Revenue Inspector
Sathyamangalam, Erode District.
4. Village Administrative Officer
Varathampalayam Village
Sathyamangalam Taluk
Erode District.



WEB COPY



W.P.Nos.27120, 27125, 27129
& 27133 of 2023

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

(drm)

W.P.Nos.27120, 27125, 27129 & 27133 of 2023

20.09.2023