



W.P.(MD) No.1046 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.1046 of 2023
and W.M.P.(MD)No.985 of 2023

Mr.Sathiyamoorthi

... Petitioner

Vs.

- 1.The District Collector,
Tenkasi, Tenkasi District.
- 2.The Tahsildhar,
Thiruvengadam Taluk,
Tenkasi District.
- 3.The Revenue Inspector,
Thiruvengadam,
Tenkasi District.
- 4.North Kuruvikulam Panchayat,
Represented by its President,
North Kuruvikulam,



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Thiruvengadam Taluk,
Tenkasi District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the impugned notice issued by the 2nd respondent dated 25.11.2022 and quash the same as illegal and consequently direct the 1st respondent to pass orders on the petitioner's appeal petition dated 15.12.2022 preferred under section 10 of the Tamil Nadu Land Encroachment Act, 1905.

For Petitioner : Mr.M.Rahulkumar
For Respondents : Mr.M.Sarangan,
Addl. Govt. Pleader for R1 to R3
Mr.V.Nirmal Kumar,
Standing Counsel for R4.

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition has been filed for issuance of a Writ of Certiorari, calling for the records of the impugned notice issued by the 2nd respondent dated 25.11.2022 and quash the same as illegal and consequently direct the 1st



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respondent to pass orders on the petitioner's appeal petition dated 15.12.2022 preferred under section 10 of the Tamil Nadu Land Encroachment Act, 1905.

2. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3. The learned counsel appearing for the petitioner submitted that the second respondent has issued a notice dated 25.11.2022 under Section 6 of 'the Tamil Nadu Land Encroachment Act, 1905' (hereinafter referred to as 'the Act'), directing the petitioner to remove the encroachment in the property in question. He further submitted that as against the said notice, the petitioner has filed an appeal before the 1st respondent under Section 10 of the Act and the same is pending. Pending the said appeal, the second respondent is now taking steps to evict the petitioner. Hence, the petitioner has filed this Writ Petition.

4. The learned Additional Government Pleader appearing for the respondents 1 to 3 submitted that the appeal dated 15.12.2022 filed by the petitioner under Section 10 of the Act, will be disposed of within a time frame.



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5. Recording the aforesaid submission, we direct the first respondent viz., the District Collector, Tenkasi District to consider the appeal dated 15.12.2022 filed by the petitioner under Section 10 of the Act and pass orders on merits and in accordance with law, after providing an opportunity of hearing to all the parties concerned, within a period of six (6) weeks from the date of receipt of a copy of this order. Till such time, the impugned order passed by the 2nd respondent dated 25.11.2022, shall be kept in abeyance.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] [R.V., J.]

20.01.2023

NCC : Yes / No

Index : Yes / No

vsm



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