



W.P.(MD) No.9674 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD) No.9674 of 2023
and
W.M.P.(MD) No.8557 of 2023

K.N.Vellaiswamy

... Petitioner

-vs-

1.The District Collector
Collector Office, Thanjavur

2.The Tasildar
Thanjavur
Thanjavur District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the 1st respondent to dispose off the statutory appeal dated 08.04.2023 preferred by the petitioner under Section 10 of the Tamil Nadu Land Encroachments Act, 1905, within the time stipulated by this Court and consequently forbear the 2nd respondent from taking any coercive action *qua* the land in Ward No.7, Block No.9, Town Survey No.27 in Bala Nagar, Thanjavur District till such time.



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For Petitioner : Mr.B.Gowtham Arun

For Respondents : Mr.P.T.Thiraviam
Government Advocate

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

Mr.P.T.Thiraviam, learned Government Advocate, takes notice for the respondents.

2. With the consent of both sides, this writ petition is taken up for final hearing at the admission stage itself.

3. Prayer in this writ petition reads as follows:

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue a writ in the nature of a WRIT OF MANDAMUS directing the 1st respondent to dispose off the statutory appeal dated 08.04.2023 preferred by the petitioner under Sec.10 of the Tamil Nadu Land Encroachments Act, 1905 within the time that maybe stipulated by this Hon'ble Court and consequently forbear the 2nd respondent from taking any coercive action qua the land in Ward No.7, Block No.9, Town Survey No.27 in Bala Nagar, Thanjavur District till



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such time and pass such further or other orders as this Hon'ble may deem fit and proper in the circumstances of the case and thus render justice.”

4. Considering the fact that the statutory appeal filed by the petitioner is pending on the file of the first respondent and if the original authority is allowed to proceed further during the pendency of the appeal, the very appeal would become infructuous, this writ petition is disposed of with a direction to the first respondent to dispose of the statutory appeal filed by the petitioner under Section 10 of the Tamil Nadu Land Encroachment Act, 1905, within a period of six months from the date of receipt of a copy of this order. Till such time, the second respondent shall not take any coercive action to implement the order of eviction. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

24.04.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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