



W.P.(MD) No.9689 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2023

CORAM:

**THE HON'BLE MR.T.RAJA, THE ACTING CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE R.SUBRAMANIAN**

**W.P.(MD) No.9689 of 2023
and WMP(MD) No.8565 of 2023**

S.Rajendran

... Petitioner

-VS-

1.The District Collector,
Collector Office
Thanjavur.

2.The Tahsildar
Thanjavur,
Thanjavur District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the 1st respondent to dispose of 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 that may be stipulated by this



W.P.(MD) No.9689 of 2023

WEB COPY

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.73 in Bala Nagar, Thanjavur District till such time.

For Petitioner : Mr.B.Gowtham Arun
For Respondents : Mr.S.P.Maharajan
Special Government Pleader

ORDER

**[Order of the Court was made by
The Hon'ble The ACTING CHIEF JUSTICE]**

The petitioner has filed this writ petition for issuance of a writ of mandamus to direct the 1st respondent to dispose of the statutory appeal dated 08.04.2023 preferred by the petitioner under Section 10 of the Tamil Nadu Land Encroachments Act, 1905 (hereinafter referred to as 'the Act') within the time that may be 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.73 in Bala Nagar, Thanjavur District.



W.P.(MD) No.9689 of 2023

WEB COPY

2. Petitioner, having suffered a notice issued under Section 7 of the Act followed by the proceedings issued under Section 6 of the Act, has filed the appeal under Section 10 before the District Collector, namely, the 1st respondent herein. His grievance is that though he has approached the first respondent District Collector by filing a statutory appeal, the same is kept pending. The petitioner is also facing apprehension that the matter may not be considered on merits in the light of some observations made by this Court in its order dated 09.01.2023 passed in W.P.(MD) No.5977 of 2013, wherein this Court has made a mention in Paragraph No.2 that the land covered in S.No.432 has been classified as Vadigal Vari (Channel). Therefore, if a direction is given to the District Collector to dispose of the appeal on merits, without being influenced by the order passed by this Court, no prejudice would be caused to anyone.

3. Learned Special Government Pleader also stated that the District Collector may be directed to dispose of the appeal on merits without being influenced by any of the observations.



W.P.(MD) No.9689 of 2023

WEB COPY

4. Therefore, the District Collector, Thanjavur, is directed to take up the appeal and dispose of the same, on merits and on the basis of the revenue records, without being influenced by the observations made by this Court, within a period of four weeks from the date of receipt of a copy of this order.

Writ petition is disposed of with the above direction. However, there is no order as to costs. consequently connected Miscellaneous Petition is closed.

[T.R., A.C.J.] [R.S.M, J.]
25.04.2023

NCC : Yes / No

Index : Yes / No

RR

To

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W.P.(MD) No.9689 of 2023

THE HON'BLE THE ACTING CHIEF JUSTICE
and
R.SUBRAMANIAN, J.

RR

W.P.(MD)No.9689 of 2023

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