



W.P.(MD) No.12769 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.06.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD) No.12769 of 2023
and
W.M.P.(MD) No.10768 of 2023**

Jeyalakshmi Srinivasan @ Revathi

... 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 that may be stipulated by this Honble 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



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WEB COPY 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 R.SUBRAMANIAN, J.]

Mr.S.P.Maharajan, learned Special Government Pleader, 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. The prayer in the writ petition reads as follows:-

“For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon'ble Court may be pleased 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 Sec.10 of the Tamil Nadu Land Encroachments Act, 1905 within the time that may be stipulated



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WEB COPY *by this Honble 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.”*

4. Unfortunately, the petitioner has invoked the appellant remedy against the showcause notice and has left the eviction order passed under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act 3 of 1905) (for brevity “the Act”) unchallenged.

5. Considering the fact that the petitioner is residing in the land in question and this Court had already directed in appeals filed by other encroachers in the same area to be disposed of within a specified time. We permit the petitioner to file an appeal against the order passed under Section 6 of the Act, dated 12.04.2023 before the appellate authority, namely, the District Collector, Thanjavur, along with an application for condonation of delay under Section 11(4) of the Act. If such an appeal is filed within a period of 15 days from today, the District Collector, Thanjavur, shall entertain the appeal while condoning the delay and dispose of the appeal within a period of sixty (60) days from the date of



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receipt of the same. Till such time, the possession of the petitioner shall not be disturbed.

6. With the above directions, the writ petition stands disposed of. No costs.

[R.S.M., J.]

[L.V.G., J.]

05.06.2023

NCC : No
Index : No
Internet : Yes
PKN

To:

1. The District Collector,
Collector Office, Thanjavur.
2. The Tasildar,
Thanjavur, Thanjavur District.



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AND
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