



W.P.(MD) No.12440 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.05.2023

CORAM:

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
and
THE HONOURABLE MS.JUSTICE P.T.ASHA**

**W.P(MD)No.12440 of 2023
and
W.M.P(MD)No.10540 of 2023**

Suryagandhi

... Petitioner

-VS-

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Tahsildar,
Ilaiyangudi Taluk,
Ilaiyangudi,
Sivagangai District.

3.The Zonal Deputy Tahsildar,
Salai Gramam,
Ilaiyangudi Taluk,
Sivagangai District.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned notices issued by the respondent No.3 and 2 dated 19.04.2023 and 05.05.2023 U/s.7 and 6 of the Tamil Nadu Land Encroachment Act, 1905 respectively and quash the same and consequently direct the 1st and 2nd respondents to dispose of the appeal and objections submitted by the petitioner before them within time frame as fixed by this Court.

For Petitioner : Mr.B.Prahalad Ravi
For Respondents : Mr.M.Lingadurai,
Special Government Pleader

ORDER

[Order of the Court was made by M.S.RAMESH, J.]

The petitioner herein challenges the notices, dated 19.04.2023 and 05.05.2023 issued under Sections 7 and 6 of the Tamil Nadu Land Encroachment Act, 1905(hereinafter referred to as 'the Act'), predominantly on the ground that she had already filed an appeal before the first respondent herein on 14.05.2023 and the same is pending.



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2. Earlier, a coordinate Bench of this Court had passed orders on 10.11.2022 in W.P(MD)Nos.12894 and 14359 of 2020, directing the petitioner herein to file her objections to the notice impugned therein before the concerned authorities within a stipulated time with a further direction that such direction shall be complied with, within a period of eight weeks, after affording sufficient opportunity to all the parties concerned and by following due process of law. In accordance with the directions issued by the coordinate Bench, the petitioner claims to have filed an appeal before the first respondent on 14.05.2023 and the same is pending.

3. While the statutory appeal filed by the petitioner under Section 10 of the Act, is pending before the concerned authority, it would not be appropriate to parallelly permit the second respondent to proceed with the impugned notices issued under Sections 7 and 6 of the Act. We are of the view that if the respondents are directed to conclude the appeal filed by the petitioner within a stipulated time, the ends of justice would be met.



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4. Accordingly, there shall be a direction to the first respondent to dispose of the appeal filed by the petitioner, dated 14.05.2023 and pass orders after giving due opportunity to the petitioner and any other persons, who are interested in the subject matter, within a period of three months from the date of receipt of a copy of this order. Till such conclusion of the appeal, the impugned notices, dated 19.04.2023 and 05.05.2023, shall be kept in abeyance.

5. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[M.S.R., J.]

[P.T.A., J.]

24.05.2023

NCC : Yes/No

Index : Yes/No

PM



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M.S.RAMESH, J.
and
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pm

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