



W.P.(MD) No.15222 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.06.2023

CORAM:

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

**W.P.(MD) No.15222 of 2023
and
W.M.P.(MD) No.12826 of 2023**

Yogarajan

... Petitioner

-VS-

1. The District Collector,
Madurai District, Madurai.

2. The Tahsildar,
Madurai East Taluk, Madurai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st respondent to consider the appeal dated 21.06.2023 preferred by the petitioner within the time limit fixed by this Hon'ble court and consequently forbear the respondents from interfering with the peaceful possession and enjoyment of the house of the petitioner situated at Ilangiyenthal village pending disposal of the appeal before the 1st respondent.



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For Petitioner : Mr.K.Govindarajan
for Mr.B.Ponnupandi

For Respondents : Mr.V.Nirmal Kumar
Government Advocate

ORDER

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

Mr.V.Nirmal Kumar, learned Government Advocate takes notice for the respondents.

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

3. The grievance of the petitioner is that an attempt is made by the revenue to implement the orders passed under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, even during the pendency of the appeal filed under Section 10 of the Act. The order of eviction was passed by the Tahsildar under Section 6 of the Act on 20.06.2023. The petitioner has preferred an appeal before



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the District Collector – the appellate authority, under Section 10 of the Act on 21.06.2023 itself. Since no orders have been passed thereon and there is an attempt to evict the petitioner, the petitioner is before this Court seeking a direction to the District Collector to dispose of his appeal.

4. Considering the grievance of the petitioner and the fact that a substantial remedy by way of appeal has been invoked by the petitioner, we direct the appellate authority to dispose of the appeal within a period of six weeks from the date of receipt of a copy of this order. During the interregnum, the possession of the petitioner shall not be disturbed.

5. The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.] [L.V.G., J.]

26.06.2023

NCC : No
Index : No
Internet : Yes
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