



W.P.(MD)No.23212 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.09.2023

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**

and

THE HONOURABLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

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R.Periyasamy

... Petitioner

Vs.

1.The District Collector,
Trichy District.

2.The Tahsildar,
Tiruverumbur Taluk, Trichy District.

3.The Revenue Inspector,
Tiruverumbur Taluk, Trichy District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the first respondent to dispose of the stay application along with the appeal dated 03.07.2023 on the file of the first respondent and consequently, forbearing the respondents from taking any such coercive action in furtherance to the proceedings in Na.Ka.A1/3749/2022 dated 21.03.2023 pending disposal of the appeal.

For Petitioner

:Mr.G.Prabhu Rajadurai

For Respondents

:Mr.D.Sachikumar,
Additional Government Pleader



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ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

2. This Writ Petition is filed seeking for issuance of a Writ of Mandamus, directing the first respondent to dispose of the stay application filed along with the appeal, dated 03.07.2023, on the file of the first respondent and consequently, forbearing the respondents from taking any coercive action in furtherance to the proceedings in Na.Ka.A1/3749/2022, dated 21.03.2023 pending disposal of the appeal.

3. Having regard to the prayer made in the writ petition, this Court is inclined to dispose of the writ petition at the admission stage itself.

4. The petitioner appears to be in encroachment of a public land. As against the order passed under Section 6 of the Tamil Nadu Land Encroachment Act, 1905(in short 'the Act'), the petitioner has filed an appeal before the District Collector under Section 10 of the Act. Stating that the



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respondents are proceeding with the eviction pursuant to the order of eviction passed under Section 6 of the Act, the petitioner prays that there may be interim stay till such time the appeal is disposed of by the District Collector.

5. Considering the nature of the prayer sought for in the writ petition, this Court is inclined to pass the following order:

6. The first respondent is directed to consider and dispose of the appeal filed by the petitioner under Section 10 of the Act, within a period of six weeks from the date of receipt of a copy of this order. Till such time the first respondent disposes of the appeal, the respondents shall not take any coercive steps to remove the encroachment pursuant to the order of eviction under passed Section 6 of the Act.

With the above direction, this writ petition is disposed of. No Costs.

[S.S.S.R., J.] [D.B.C., J.]
22.09.2023

Index : Yes / No
NCC : Yes/No
pm



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and

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