



W.P.No.4408 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.4408 of 2024

1.R.S.Kandhaswamy
2.K.Kandhayiammal

.. Petitioners

VS

1.The District Collector,
Salem District,
Salem.

2.The Tahsildar,
Salem Taluk,
Salem.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the first respondent to dispose of the appeal petition filed on 6.2.2024 under Section 10-B of the Tamil Nadu Land Encroachment Act, 1905.

For the Petitioners : Ms.R.Malathy
for Mr.P.Rathnavel

For the Respondents : Mr.C.Kathiravan
Spl. Government Pleader



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ORDER

(Order of the court was made by the Hon'ble Chief Justice)

We have heard Ms.R.Malathy, learned counsel for Mr.P.Rathnavel, learned counsel for the petitioners; and, Mr.C.Kathiravan, learned Special Government Pleader for the respondents.

2. Learned counsel for the petitioners submits that against the order passed under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 [for short, "*the Act of 1905*"], the petitioners have filed appeal under Section 10 of the Act of 1905 along with stay application on 6.2.2024. However, the stay application is not yet considered and the Tahsildar is executing the order under Section 6 of the Act of 1905.

3. The petitioners shall appear before the concerned appellate authority on 26.02.2024. The appellate authority shall hear the stay application and/or the appeal filed by the petitioners and pass orders within ten days from the date of appearance of the petitioners. The



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petitioners shall cooperate for the expeditious disposal of the same.

For a period of ten days, the order under Section 6 of the Act of 1905 shall not be executed. After the lapse of ten days, the protection granted by this Court shall come to an end.

4. With the above observation, the writ petition is disposed of. There shall be no order as to costs. W.M.P.No.4745 of 2024 filed by the petitioners to permit them to file a single writ petition is allowed and disposed of.

(S.V.G., C.J.)

(D.B.C., J.)

21.02.2024

Index : Yes/No
Neutral Citation : Yes/No
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To

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