



W.P.No.5013 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2024

CORAM :

THE HON'BLE MR. JUSTICE R.MAHADEVAN

AND

THE HON'BLE MR. JUSTICE MOHAMMED SHAFFIQ

W.P.No.5013 of 2024

ESWARAMOORTHY

.. Petitioner

Vs

1. THE DISTRICT COLLECTOR
TIRUPPUR DISTRICT, TIRUPPUR

2. THE TAHSILDAR
PALLADAM TALUK,
PALLADAM, TIRUPPUR DISTRICT.

3. P.ASHOK KUMAR

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the 1st respondent to dispose of the stay petition dated 29.01.2024 filed by the petitioner under Sec. 10(B) of the Tamil Nadu Land Encroachment Act 1905 in accordance with law and within a stipulated period.

For the Petitioner : Mr.K.Govi Ganesan

For the Respondents : Mr.C.Kathiravan
Special Government Pleader
for respondents 1 and 2



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ORDER

(Order of the court was made by R.MAHADEVAN,J.)

The petitioner has filed this writ petition seeking issuance of a writ of mandamus to direct the first respondent to dispose of the stay petition dated 29.01.2024 filed by the petitioner under Section 10(B) of the Tamil Nadu Land Encroachment Act 1905 in accordance with law.

2. Assailing the order passed under Section 6 of the Act of 1905, the petitioner filed an appeal under Section 10 of the Act along with an application seeking stay under Section 10(B) of the Act. As the first respondent did not pass any order in the application seeking stay, the petitioner has filed this writ petition for the relief stated supra, apprehending initiation of coercive action by the respondent authorities.

3. Considering the narrow scope of the prayer made in this writ petition, without expressing any opinion on the merits of the matter, the writ petition is disposed of with a direction to the first respondent



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to consider the application for stay filed by the petitioner under Section 10(B) of the Act, and pass orders on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, W.M.P.No.5504 of 2024 is closed.

(R.M.D., J.)

(M.S.Q., J.)

27.02.2024

Index : No
Neutral Citation : No

Note to Registry:

Issue order copy on 29.2.2024.

sasi

To

1. THE DISTRICT COLLECTOR
TIRUPPUR DISTRICT, TIRUPPUR
2. THE TAHSILDAR
PALLADAM TALUK,
PALLADAM, TIRUPPUR DISTRICT.



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R.MAHADEVAN,J.
AND
MOHAMMED SHAFFIQ,J.
(sasi)

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