



W.P.No.9376 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2024

CORAM :

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

AND

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.9376 of 2024

Santhanaraj

.. Petitioner

Vs

1.The District Collector,
O/o. District Collector,
Nagapattinam District.

2.The Thasildhar,
O/o. Kalaiyur Thasildhar,
Nagapattinam District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents or his agents, men's not to take coercive steps as per the notice dated 16.3.2024 issued by the second respondent under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 until disposal of the appeal dated 22.3.2024 pending before the first respondent.



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For the Petitioner : Mr.P.Muthamizh Selvakumar

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

ORDER

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

We have heard Mr.P.Muthamizh Selvakumar, learned counsel for the petitioner; and, Mr.C.Kathiravan, learned Special Government Pleader for the respondents.

2. Learned counsel for the petitioner submits that the appeal is filed by the petitioner under Section 10 of the Tamil Nadu Land Encroachment Act, 1905 [for short, "*the Act of 1905*"] on 22.03.2024 along with stay application. According to learned counsel, orders are not yet passed in the appeal and the respondent authorities are trying to dispossess the petitioner.

3. The petitioner shall appear before the appellate authority on 22.04.2024. The appellate authority shall decide the appeal filed by the petitioner, preferably within two months from the date of the



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appearance of the petitioner. If the petitioner does not appear on 22.04.2024 before the appellate authority, then the appellate authority may proceed further in accordance with law. In case the petitioner appears before the appellate authority on 22.04.2024, then further action shall not be taken till the appeal is decided. Depending upon the decision taken in the appeal, the parties may proceed further.

4. With these observations, the writ petition is disposed of.
There shall be no order as to costs.

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

(J.S.N.P., J.)

08.04.2024

Index : Yes/No
Neutral Citation : Yes/No
bbr

To

1.The District Collector,
O/o. District Collector,
Nagapattinam District.

2.The Thasildhar,
O/o. Kalaiyur Thasildhar,
Nagapattinam District.



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THE HON'BLE CHIEF JUSTICE
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