



WEB COPY



W.P.No.20446 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

W.P.No.20446 of 2024

1. M.Arunampillai
S/o.Late Manivasagam

2. Selvarani
W/o.Late Manivasagam

.. Petitioners

Vs.

1. The Collector
Office of the Collectorate
Mayiladuthurai District.

2. The Revenue Divisional Officer
Sirkazhi Taluk, Mayiladuthurai District.

3. The Tahsildar
Sirkazhi Taluk, Mayiladuthurai District.

4. Vijaya

5. Vasantha

6. Latha

7. Selvi

.. Respondents



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Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the second respondent to forthwith decide the appeal of the petitioners dated 14.02.2024 in a time bound manner and remove the encroachments in Survey No.151/1, Vadarangam Village, Sirkazhi Taluk, Mayiaduthurai District made by respondents 4 to 7.

For Petitioners : Mr.S.Ramesh
For Respondents : Mr.T.K.Saravanan
Government Advocate,
for R1 to R3

ORDER

(Order of the Court was made by **M.Sundar, J.**)

Captioned main 'Writ Petition' {hereinafter 'WP' for the sake of brevity} has been filed with a very simple innocuous prayer for disposal of writ petitioners' Statutory appeal dated 14.02.2024 which is pending with R2 [The Revenue Divisional Officer, Sirkazhi Taluk, Mayiladuthurai District].

2. Mr.S.Ramesh, learned counsel on record for writ petitioners submits that owing to pendency of aforementioned Statutory appeal, alleged encroachment is continuing unabated.



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3. Issue notice to official respondents i.e., R1 to R3.

4. Mr.T.K.Saravanan, learned Government Advocate accepts notice for R1 to R3.

5. Learned State counsel submits, on instructions, that the aforementioned Statutory appeal dated 14.02.2024 which is an appeal under Section 12 of 'the Tamil Nadu Patta Pass Book Act, 1983' {hereinafter 'said Act' for the sake of brevity} is pending with R2 and that given the official business of R2, R2 would be able to dispose of appeal in two months from today i.e., by 25.09.2024.

6. We find that legal perimeter of the captioned matter has vastly dwindled owing to the stated position of learned State counsel. Therefore, with the consent of learned counsel on both sides, main WP is taken up in the Admission Board.

7. We are acutely conscious that R4 to R7 (private respondents) are not before us. Therefore, we would be putting in a safety valve with regard to private respondents.



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8. In the light of the narrative thus far, we dispose of the captioned WP recording the stated position of learned State counsel that aforementioned stay or appeal will be disposed of by R2 within two months with a rider that all rights and contentions of R4 to R7 are preserved and R4 to R7 shall be dealt with in accordance with appeal procedure under said Act and Rules under said Act.

9. We also make it clear that we have not expressed any view or opinion on the merits of the matter and write that R2 would consider and dispose of Statutory appeal on its own merits and in accordance with law with this order neither impeding nor serving as impetus.

Captioned WP disposed of in the aforesaid manner i.e., recording the stated position of learned State Counsel. There shall be no order as to costs.

(M.S.J.) (K.G.T.J.)
25.07.2024

Index: Yes/No
Neutral Citation: Yes/No
Speaking order / Non-speaking order
mk



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M.SUNDAR.J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,

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(1/2)