



WEB COPY



W.P.No.25308 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2024

CORAM :

THE HON'BLE MR.D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.No.25308 of 2024

Mariyamma Jose

.. Petitioner

Vs

1.The District Collector,
Office of District Collectorate,
Udhagamandalam,
Nilgiris District.

2.The Tahsildar,
Kothagiri,
Nilgiris District.

3.The Revenue Inspector,
Kothagiri,
Nilgiris District.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus forbearing the respondents from interfering with the petitioner's peaceful possession and enjoyment of the land comprised in Old Survey Nos.898/2, 898/2A, 899 and 899/2 and New Survey Nos.1015/2A, 1015/2B and 1015/2C measuring to a total extent of 11½ cents situated at Kothagiri Village and Taluk, Nilgiris District till the disposal of the appeal filed by the petitioner before the first respondent under Section 10 of the Tamil Nadu Land Encroachment Act, 1905.



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For the Petitioner : Mr.R.Ragavendran

For Respondents : Mr.K.Karthik Jegannath
Government Advocate

ORDER

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

Assailing the notice issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, the petitioner preferred a statutory appeal under Section 10 of the Act before the first respondent. Apprehending that the respondents would evict the petitioner pending consideration of the aforesaid appeal, the petitioner has filed this writ petition to enjoin the respondents from evicting the petitioner till the appeal filed by her is disposed of by the first respondent.

2. Considering the narrow scope of the prayer made in the writ petition, we direct the first respondent to consider the appeal dated 22.7.2024 filed by the petitioner and pass appropriate orders, on merits and in accordance with law, within a period of twelve



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weeks from the date of receipt of a copy of this order, of course after affording an opportunity the petitioner. Till such time, the respondents shall not take any coercive action against the petitioner.

The writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, W.M.P.No.27652 of 2024 is closed.

(D.K.K., ACJ.) (P.B.B, J.)
30.08.2024

Index : Yes/No
NC : Yes/No
sasi

To:

- 1.The District Collector,
Office of District Collectorate,
Udhagamandalam,
Nilgiris District.
- 2.The Tahsildar,
Kothagiri,
Nilgiris District.
- 3.The Revenue Inspector,
Kothagiri,
Nilgiris District.



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THE HON'BLE ACTING CHIEF JUSTICE
AND
P.B.BALAJI, J.

(sasi)

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