



W.P.No.38009 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.38009 of 2024

and

W.M.P.No.41105 of 2024

in

W.P.No.38009 of 2024

Raman
S/o.Raja Gounder

... Petitioner

Vs.

1. The State of Tamil Nadu
Represented by its Secretary
Adi Dravidar and Tribal Welfare Department
Fort St.George, Chennai-600 009.
2. The District Collector
Office of the District Collectorate
Thirupathur District.
3. The District Adi Dravidar Welfare Officer
Office of the Adi Dravidar Welfare Department
Thirupathur Town
Thirupathur District.
4. The Thasildhar
Office of the Thasildhar
Vaniambadi Taluk
Thirupathur District.

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5. The Special Thasildhar
Land Acquisition Urban Welfare
Raja Badhar Street, Thirupathur Town
Thirupathur District.
6. The Special Thasildhar
Adi Dravidar Welfare Department
Thirupathur Town
Thirupathur District.

... Respondents

Prayer :

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the order passed by the 6th respondent vide Na.Ka.No.A1/756/2001 dated 02.12.2024 and quash the same as illegal, arbitrary and against the principles of natural justice and further direct the 2nd respondent to dispose of the appeal dated 02.12.2024 preferred by the petitioner under Section 10 of the Land Encroachment Act, 1905.

For Petitioner	:	Mr.S.Arivazhagan
For Respondents	:	Mr.T.K.Saravanan Government Advocate

ORDER

[Order of the Court was made by **M.SUNDAR, J.,**]

Captioned 'Writ Petition' {hereinafter 'WP' for the sake of brevity} has been filed assailing a 'notice / order dated 02.12.2024 bearing reference No.Na.Ka.A1/756/2001 made by R5 [The Special Thasildhar, Land Acquisition Urban Welfare, Raja Badhar Street, Thirupathur Town,

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Thirupathur District]' {hereinafter 'impugned order' for the sake of brevity}.

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2. Short facts are that proceedings were initiated under 'the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity} and after show causing under Section 7 of said 1905 Act vide notice dated 11.11.2024, an order under Section 6 of said 1905 Act has been made and the order is dated 25.11.2024. Assailing the order under Section 6 of said 1905 Act, writ petitioner has filed an appeal to R2 under Section 10 of said 1905 Act along with a stay petition. Pending statutory appeal and stay petition, impugned order has been made by R5 is learned counsel's say.

3. Issue notice to respondents.

4. Mr.T.K.Saravanan, learned Government Advocate accepts notice for all respondents.

5. Mr.T.K.Saravanan, learned State Counsel submits, on instructions that statutory appeal under Section 10 of said 1905 Act preferred by writ petitioner will be disposed of within a fortnight from today i.e., by 30.12.2024. This submission is recorded.

6. In the light of the limited scope of captioned WP, main WP was taken up with the consent of learned counsel on both sides.

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7. In the light of the narrative thus far, we are of the considered view that it will suffice, if the stated position of learned State Counsel is recorded and a rider is put in. The rider is, further proceedings will be subject to and depending on the outcome of statutory appeal under Section 10 of said 1905 Act which would be disposed of by R2 as expeditiously as his official business would permit but in any event within a fortnight from today i.e., by 30.12.2024.

Captioned WP is disposed of in the aforesaid manner. Consequently, captioned Writ Miscellaneous Petition disposed of as closed. There shall be no order as to costs.

(M.S.,J.)

(K.R.S.,J.)

16.12.2024

Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order

mk



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To
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M.SUNDAR, J.,
and
K.RAJASEKAR, J.,

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