



W.P(MD)No.107 of 2024

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

WEB COPY

DATED : 04.01.2024

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN  
AND  
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

W.P(MD)No.107 of 2024  
and  
W.M.P.(MD)No.135 of 2024

- 1.Hariramapalani
- 2.Harikrishnan
- 3.Valli
- 4.Nagarajan
- 5.Amaravathi

... Petitioners

**Vs.**

- 1.The District Collector,  
Ramanathapuram District,  
Ramanathapuram.
- 2.The Revenue Divisional Officer,  
Ramanathapuram.
- 3.The Tahsildhar,  
Ramanathapuram Taluk,  
Ramanathapuram District.
- 4.Jeganathan



**W.P(MD)No.107 of 2024**

5.M/s.Throwpathi Amman Temple,  
Represented by its Trustee / Authorised Person,  
Throwpathi Amman Kovil Street,  
Vellipattinam,  
Ramanathapuram District.

... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the 1 to 3 respondents from evicting the petitioners from the house situated in T.S.No.94 at Ward D Block 4, Ramanathapuram Town, Ramanathapuram District.

For Petitioners : Mr.K.Navaneetharaja

For Respondents : Mr.K.Balasubramani,  
Spl. Government Pleader for R1 to R3.

### **ORDER**

Heard the learned counsel for the petitioners and the learned Special Government Pleader for the respondents 1 to 3. Considering the nature of relief to be granted, issuance of notice to the private respondents is dispensed with.



**W.P(MD)No.107 of 2024**

2.The petitioners suffered an order under Section 6 of the Tamil Nadu Land Encroachment Act, 1905. Aggrieved by the same, they filed appeal under Section 10 of the Act before the District Collector. The appellate authority dismissed the stay petition on 07.06.2018. Questioning the same, the petitioners filed W.P.(MD)Nos.14274 of 2018 etc. They were disposed of on 04.07.2018 by the Hon'ble Division bench. Paragraph Nos.7 and 8 of the said order read as follows:-

*“7.In view of the submissions made by the learned counsel on either side and also considering the order passed by the Division Bench of this Court in W.P(MD)Nos.11048 to 11057 of 2018, we also reiterate the observation made by the Division Bench of this Court, directing the first respondent to dispose of the appeals filed by the petitioners on or before 25.08.2018. Since the petitioners are in possession and enjoyment of the properties, if they are dispossessed at this stage, the appeals filed by them would become infructuous. In view of the same, we direct the respondents to maintain status quo till 25.08.2018.*

*8.With these observations, the Writ Petitions are disposed of. It is needless to say that the first respondent should decide the appeals filed by the petitioners on merits and in accordance with law, after giving due opportunity of personal hearing to them within the stipulated time. No costs. Consequently, connected Miscellaneous Petitions are closed.”*



**W.P(MD)No.107 of 2024**

3.It is beyond dispute that till date, the appellate authority has not passed final order. But it appears that steps were taken to dispossess the petitioners herein. Such an action would run counter to what was directed by the Hon'ble Division Bench in the aforesaid writ proceedings.

4.The learned Special Government Pleader undertakes that the first respondent will dispose of the appeals on merits and in accordance with law within a period of two months from the date of receipt of a copy of this order and that the authorities will act in terms of the said final orders.

5.Recording the undertaking given by the learned Special Government Pleader on instructions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

**(G.R.S.J.) & (B.P.J.)**  
**04.01.2024**

NCC : Yes/No  
Index : Yes / No  
Internet : Yes/ No  
ias

4/6



**W.P(MD)No.107 of 2024**

To:-  
WEB COPY

- 1.The District Collector,  
Ramanathapuram District,  
Ramanathapuram.
- 2.The Revenue Divisional Officer,  
Ramanathapuram.
- 3.The Tahsildhar,  
Ramanathapuram Taluk,  
Ramanathapuram District.



WEB COPY



**W.P(MD)No.107 of 2024**

**G.R.SWAMINATHAN, J.  
and  
B.PUGALENDHI, J.**

ias

**W.P(MD)No.107 of 2024**

**04.01.2024  
(2/3)**