



W.P(MD)No.108 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.01.2024

CORAM

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

W.P(MD)No.108 of 2024
and
W.M.P.(MD)Nos.136 and 137 of 2024

Chandrasekar

... Petitioner

Vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Revenue Divisional Officer,
Ramanathapuram.

3.The Tahsildhar,
Ramanathapuram Taluk,
Ramanathapuram District.

4.Jeganathan

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

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned notice issued by the 3rd respondent in Na.Ka.B9/148/2017 dated 02.06.2023 and quash the same and consequently forbear the 1 to 3 respondents from evicting the petitioner from the house situated in T.S.No.94 at Ward D Block 4, Ramanathapuram Town, Ramanathapuram District .

For Petitioner : Mr.K.Navaneetharaja

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

ORDER

Heard the learned counsel for the petitioner 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.



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2.The petitioner has suffered an order under Section 6 of the Tamil Nadu Land Encroachment Act, 1905. It is appealable under Section 10 of the Act. Hence, we are not inclined to interfere. Since the petitioner is having statutory appeal remedy, the petitioner is given liberty to file an appeal before the first respondent. If the appeal is filed within a period of two weeks from the date of receipt of a copy of this order, the same will be entertained without reference to limitation by the first respondent. The first respondent shall dispose of the appeal on merits and in accordance with law within a period of four months thereafter. If the petitioner fails to file the appeal within two weeks from the date of receipt of a copy of this order, the benefit of this order would automatically get vacated. Since the appeal will be rendered infructuous, if there is no interim order, the impugned order shall be put on hold and kept in abeyance for a period of three months, after the petitioner files the appeal. We make it clear that we have not gone into the merits of the matter.



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3.This writ petition is disposed of accordingly. No costs.

Consequently, connected miscellaneous petitions are closed.

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

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

To:-

- 1.The District Collector,
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- 2.The Revenue Divisional Officer,
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**G.R.SWAMINATHAN, J.
and
B.PUGALENDHI, J.**

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**04.01.2024
(3/3)**