



W.P.(MD)No.894 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.01.2024

CORAM:

THE HONOURABLE **MR.JUSTICE D.KRISHNAKUMAR**

and

THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD)No.894 of 2024

and

W.M.P.(MD).No.914 of 2024

S.Santha Sathish

... Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Tahsildar,
Kodaikanal Taluk,
Dindigul District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the first respondent to consider the appeal filed by the petitioner dated 09.01.2024, against the order passed by the second respondent in Na.Ka.4131/2023/Aa2, dated 15.12.2023 and consequently direct the second respondent not to take any coercive step to evict the petitioner pending the appeal.



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For Petitioner : Mr.P.Athimoolapandian
for Mr.L.Siva
For Respondents : Mr.S.P.Maharajan
Special Government Pleader

ORDER

(Order of the Court was made by **D.KRISHNAKUMAR, J.**)

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the first respondent to consider the appeal filed by the petitioner dated 09.01.2024, against the order passed by the second respondent in Na.Ka. 4131/2023/Aa2, dated 15.12.2023 and consequently direct the second respondent not to take any coercive step to evict the petitioner pending the appeal.

2. By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.



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3. According to the petitioner, he has preferred an appeal before the District Collector, Dindigul District, challenging the notice issued by the second respondent under Section 6 of the Tamil Nadu Land Encroachment Act, dated 15.12.2023. The said appeal is still pending. Therefore, the present writ petition has been filed.

4. Mr.S.P.Maharajan, learned Special Government Pleader appearing for the respondents would submit that as per the direction issued by this Court, the respondent authority has taken action for removal of the encroachment, but the petitioner has filed an appeal before the appellate authority and he seeks four weeks time to dispose of the appeal filed by the petitioner, dated 09.01.2024.

5. Considering the prayer sought for by the petitioner, we direct the first respondent to consider the petitioner's appeal dated 09.01.2024, on its own merits and in accordance with law and pass appropriate orders as early as possible, preferably within a period of four weeks from the date of receipt of a copy of this order. Till such time, there shall not be any coercive steps to evict the petitioner.



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6. It is made clear that after the disposal of the appeal, the respondent authority shall comply with the direction of this Court for removal of the encroachment.

7. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

[D.K.K., J.] [R.V, J.]
12.01.2024

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

akv

To

1.The District Collector,
Dindigul District,
Dindigul.

2.The Tahsildar,
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