



W.P.(MD)No.6489 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2024

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CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.6489 of 2024

and

W.M.P.(MD)No.6069 of 2024

Veerammal

: Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Tahsildar,
Vembakottai Taluk,
Virudhunagar District.

3.The Block Development Officer,
Vembakottai Taluk,
Virudhunagar District.

4.The Revenue Divisional Officer /
Chairperson Divisional Monitoring Committee,
Sattur Revenue Divisional Office,
Virudhunagar District.

5.Selvaraj

: Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, forbearing the second respondent from proceeding with his order in Na.Ka.Aa1/959/2023 dated 05.08.2023 and consequential order in Na.Ka.Aa1/959/2023 dated 02.09.2023, till the disposal of the statutory appeal preferred by the petitioner before the first respondent u/s.10 of the Tamil Nadu Encroachment Act, 1905 dated 05.02.2024.

For Petitioner : Mr.M.Jegadeesh Pandian
For Respondents 1,2 & 4 : Mr.N.Satheesh Kumar
Additional Government Pleader

O R D E R

[Order of the Court was made by **D.KRISHNAKUMAR, J.**]

This Writ Petition has been filed seeking to forbear the second respondent from proceeding with his order in Na.Ka.Aa1/959/2023 dated 05.08.2023 and consequential order in Na.Ka.Aa1/959/2023 dated 02.09.2023, till the disposal of the statutory appeal preferred by the petitioner before the first respondent u/s.10 of the Tamil Nadu Encroachment Act, 1905 dated 05.02.2024.



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2. Heard Mr.M.Jegadeesh Pandian, learned Counsel appearing for the petitioner and Mr.N.Satheesh Kumar, learned Additional Government Pleader appearing for the respondents 1, 2 and 4.

3. Learned Counsel for the petitioner submitted that the petitioner has preferred a statutory appeal before the first respondent under Section 10 of the Tamil Nadu Land Encroachments Act, 1905 and seeks for a direction to the first respondent to dispose of the said appeal at the earliest.

4. Learned Additional Government Pleader appearing for the official respondents submits that the said appeal preferred by the petitioner is not in proper format and therefore, the District Collector cannot be directed to dispose of the same.

5. In the light of the above, we are not inclined to accept the contention of the petitioner but liberty is given to the petitioner to file a fresh appeal in proper format within a period of two [2] weeks from the date of receipt of a copy of this order.



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6.With the aforesaid liberty, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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

18.03.2024

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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To

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D.KRISHNAKUMAR, J.
and
R.VIJAYAKUMAR, J.

MR

ORDER MADE IN
W.P.(MD)No.6489 of 2024

18.03.2024