



W.P(MD) No.11405 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.05.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

**W.P.(MD) No.11405 of 2024
and
W.M.P(MD) No.10140 of 2024**

Karuppiah

... Petitioner

-VS-

1. The District Collector,
Office of the District Collector,
Virudhunagar District.
2. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Sivakasi, Virudhunagar District.
3. The Tahsildar,
Rajapalayam Taluk,
Virudhunagar District.
4. The Block Development Officer,
Rajapalayam Taluk,
Virudhunagar District.
5. The Village Administrative Officer,
Sundarajapuram Village Panchayat,
Rajapalayam Taluk, Virudhunagar District.
6. The Inspector of Police,



W.P(MD) No.11405 of 2024

Seithur Rural Police Station,
Virudhunagar District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus to direct the Respondent No.3 to not to take any coercive steps based on their Demolition order dated 21.05.2024 till the disposal of appeal dated 24.05.2024 and 27.05.2024 filed under Section 10 of The Tamil Nadu Land Encroachment Act, 1905 pending before the Respondent No.1 within the time stipulated by this Honourable Court .

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.P.Supparaj,
Special Government Pleader
for R1 to R5
Mr.S.Ravi,
Additional Public Prosecutor for R6

ORDER

(Made by R.VIJAYAKUMAR, J.)

The present writ petition has been filed seeking a direction to the third respondent not to take any coercive steps or demolish the building in dispute till the disposal of the appeal filed by the writ petitioner under Section 10 of the Tamil Nadu Land Encroachment Act, 1905, which is said to be pending before the first respondent.

2. The writ petitioner was issued with the notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, which was challenged by



W.P(MD) No.11405 of 2024

him in W.P. (MD) No.6060 of 2023. Division Bench of this Court by an order dated 25.03.2024, had refused to interfere with the said proceedings and directed the authorities concerned to comply with the procedures as contemplated under the Tamil Nadu Land Encroachment Act, 1905. Thereafter, an order has been passed by the third respondent herein under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, on 30.04.2024.

3. The petitioner herein has challenged the Division Bench order in W.P. (MD) No.6060 of 2023 before the Hon'ble Supreme Court of India in S.L.P. (C) No.11241 of 2024. The Hon'ble Supreme Court by an order dated 17.05.2024 had permitted the petitioner to not press the Special Leave Petition by granting liberty to the petitioner to approach the competent civil court for appropriate interim orders which are pending in O.S.No.105 of 2022 on the file of the Principal Subordinate Court, Srivilliputhur. The paragraphs 2 and 3 of the Special Leave Petition order dated 17.05.2024 are extracted hereunder:-

“2. The counsel would submit that in respect of the very said land, the petitioner has filed the OS No.105 of 2022 and the same is pending before the Sub Court,



WEB COPY



W.P(MD) No.11405 of 2024

Srivilliputhur.

3. With the above projection, the senior counsel submits that the petitioner (plaintiff) would move the Civil Judge for appropriate interim relief on the eviction notice issued by the Tehsildar by describing the land as Government Poramboke land.”

4. The present writ petition has been filed on the ground that due to summer vacaton, the petitioner is not able to approach the concerned civil court for getting appropriate interim relief. Considering the fact that the Hon'ble Supreme Court has granted liberty to the petitioner to approach the competent civil court and an appeal has also been filed the petitioner under Section 10 of the Tamil Nadu Land Encroachment Act, 1905, this Court is inclined to pass the following orders:-

(a) The respondents herein shall not take any coercive steps till 14.06.2024;

(b) Thereafter, the authorities are at liberty to proceed in accordance with law depending upon the orders of the competent civil court.



W.P(MD) No.11405 of 2024

With the said observations, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[R.V., J.] [G.A.M, J.]
28.05.2024

Index : Yes / No

Internet : Yes / No

PKN

To:

1. The District Collector,
Office of the District Collector,
Virudhunagar District.
2. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Sivakasi, Virudhunagar District.
3. The Tahsildar,
Rajapalayam Taluk,
Virudhunagar District.
4. The Block Development Officer,
Rajapalayam Taluk,
Virudhunagar District.
5. The Village Administrative Officer,
Sundarajapuram Village Panchayat,
Rajapalayam Taluk, Virudhunagar District.
6. The Inspector of Police,
Seithur Rural Police Station,
Virudhunagar District.



WEB COPY



W.P(MD) No.11405 of 2024

R.VIJAYAKUMAR, J.
and
G.ARUL MURUGAN, J.

PKN

W.P.(MD) No.11405 of 2024

28.05.2024