



W.P(MD)No.12056 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.06.2024

CORAM :

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

**W.P(MD)No.12056 of 2024
and
WMP(MD)No.10731 of 2024**

S.Muthiah

... Petitioner

VS.

1. The District Collector,
Tirunelveli District,
Tirunelveli.

2. The Tahsildar,
Manur Taluk,
Tirunelveli District.

3. The Revenue Inspector
Manur Taluk,
Tirunelveli District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents from proceeding with the notice under Section 6 of the Tamil Nadu Encroachment Act, 1905, dated nil signed on 24.05.2024 issued by the Respondent No.2 to the petitioner till the disposal of the statutory appeal preferred by him before



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the Respondent No.1 under Section 10 of the Tamil Nadu Encroachment Act, 1905, dated 30.05.2024.

For Petitioner : Mr.V.Kannan
For R1 to R3 : Mr.S.Shaji Bino, Special Government Pleader

ORDER

(Order of the Court was made by **R.SURESH KUMAR, J.**)

The prayer sought for in this writ petition is to issue a Writ of Mandamus, forbearing the respondents from proceeding with the notice issued under Section 6 of the Tamil Nadu Encroachment Act, 1905, dated nil signed on 24.05.2024, by the Respondent No.2, to the petitioner, till the disposal of the statutory appeal preferred by him before the Respondent No.1, under Section 10 of the Tamil Nadu Encroachment Act, 1905, dated 30.05.2024.

2. In respect of the land at Survey No.168 of Kurichikulam Village, Manur Taluk, Tirunelveli District, there has been an order passed by the 2nd respondent/Tahsildar on 24.05.2024 under Section 6 of the Act 3 of 1905 i.e., Tamil Nadu Encroachment Act. Challenging the said order, the petitioner has filed appeal under Section 10 of the Act on 29.05.2024 to



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the 1st respondent/District Collector. The appeal is still pending and yet to be decided. However, pursuant to the said order passed by the 2nd respondent, the 2nd respondent, according to the petitioner's counsel, is taking active steps to remove the petitioner from the land, which according to the revenue authority, is the encroachment. Therefore, apprehending such a removal of the petitioner from the encroached land, the petitioner even though had filed Section 10 appeal before the 1st respondent, has rushed to this Court, by challenging the said Section 6 order dated 24.05.2024, in this writ petition.

3. Heard Mr.S.Shaji Bino, learned Special Government Pleader who accepts notice for the respondents. He would submit that, if at all appeal has been filed by the petitioner against the order impugned, before the District Collector on 29.05.2024, within a reasonable time that may be stipulated by this Court, the said appeal would be decided by the 1st respondent.

4. Having regard to the said submission made by the learned Special Government Pleader appearing for the respondents, this Court is inclined to dispose of the writ petition with the following order:



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There shall be a direction to the 1st respondent/District Collector to decide the appeal dated 29.05.2024, filed by the petitioner, against the order passed by the 2nd respondent/Tahsildar dated 24.05.2024 under Section 6 of the Tamil Nadu Land Encroachment Act, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that, before deciding the said appeal, an opportunity of being heard also be given to the petitioner. Till such disposal of the appeal by the 1st respondent/District Collector, the status quo with regard to physical possession of the petitioner in the land in question, shall not be disturbed. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.K., J.)

(G.A.M., J.)

10.06.2024

Index : Yes / No

Neutral Citation : Yes / No

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1. The District Collector,
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3. The Revenue Inspector
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