



W.P.(MD) No.13112 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2024

CORAM:

**THE HON'BLE MR.R.MAHADEVAN, ACTING CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN**

W.P.(MD) No.13112 of 2024

and

W.M.P.(MD) No.11624 of 2024

Karuppaiah

... 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 /
Monitoring Committee
Rajapalayam Taluk
Virudhunagar District
- 4.The Block Development Officer
Rajapalayam Taluk
Virudhunagar District



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5.The Village Administrative Officer
Sundarajapuram Village Panchayat
Rajapalayam Taluk
Virudhunagar District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus, forbearing the third respondent from evicting the petitioner from the property situated at Natham Survey No.429/38, Sundarajapuram Village, Rajapalayam Taluk, Virudhunagar District till the disposal of appeal filed under Section 10 of the Tamil Nadu Land Encroachment Act, 1905 in E/2091371 pending before the first respondent in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

R.MAHADEVAN, A.C.J.

And

G.R.SWAMINATHAN, J.

Heard the learned counsel for the petitioner and learned Additional Government Pleader for the respondents.



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2. The petitioner herein had suffered an order under Section 6 of the Tamil Nadu Land Encroachment Act, 1905. In fact, the petitioner had earlier filed a writ petition before this Court. The matter went right upto the Honourable Supreme Court. The petitioner has also filed a civil suit. Be that as it may, the fact remains that the petitioner had already filed an appeal under Section 10 of the Tamil Nadu Land Encroachment Act, 1905 before the first respondent. The appeal is a continuation of the original proceedings. If the order appealed against the petitioner is implemented even before the appeal is disposed of, nothing will remain in the appeal. This writ petition is disposed of in the following terms:

- (a) The first respondent will dispose of the petitioner's appeal on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.
- (b) The petitioner will be heard before passing final order.
- (c) Till the Appellate Authority disposes of the petitioner's appeal, the eviction order will not be implemented.



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- (d) We make it clear that we have not gone into the merits of the matter.
- (e) No costs. Consequently, connected miscellaneous petition is closed.

[R.M.D., A.C.J.] [G.R.S., J.]

19.06.2024

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

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- 1.The District Collector,
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- 4.The Block Development Officer,
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