



WP(MD). No.28716 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2024

CORAM

THE HONOURABLE MR.JUSTICE M.S. RAMESH
AND
THE HONOURABLE Dr.JUSTICE A.D.MARIA CLETE

**WP(MD). No.28716 of 2024
and WMP(MD) Nos.24342 and 24345 of 2024**

S. Santhanam

... Petitioner

Vs

**1. The District Collector,
Office of District Collector,
Dindigul District,
Dindigul.**

**2. The Tahsildar,
Nilakottai Taluk,
Nilakottai,
Dindigul District.**

... Respondents

PRAYER :-

Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent impugned Notice dated 25.10.2024 Under Section 6 of the Tamil Nadu Land Encroachment Act 3 of 1905 and quash the same as devoid of merits and consequently directing the respondents no. 1 and 2 to grant patta in the petitioner's name for the land



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in his possession and enjoyment in Survey No. 847/41 an extent of 0.03.00 acre in Mannavarathi Village, Sillukuvarpatti, Nilakottai Taluk, Dindigul District and not to disturb his possession till the final verdict of his appeal dated 11.11.2024 filed under section 10 of The Tamil Nadu Land Encroachment Act 3 of 1905 within the period stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen
For Respondents : Mr.S.Shaji Bino
Special Government Pleader

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

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

2. When the petitioner has admittedly filed an appeal under Section 10 of the Tamil Nadu Land Encroachment Act, 1905 (hereinafter referred to as 'the Act') as against the eviction order passed under Section 6 of the Act, entertaining the present petition is not feasible. In the appeal filed under Section 10, he has also filed a stay petition. Thus, the writ petition stands closed with a direction to the first respondent District Collector to pass final orders in the stay application filed under Section



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10(b) of the Act within a period of one week from the date of receipt of a copy of this order. The first respondent shall also endeavour to pass final orders within a period of three months thereafter. No costs. Consequently connected Miscellaneous Petitions are closed.

[M.S.R.,J]

[A.D.M.C.,J]

02.12.2024

NCC : Yes/No

Index : Yes/No

RR

TO

1. The District Collector,
Office of District Collector,
Dindigul District,
Dindigul.

2. The Tahsildar,
Nilakottai Taluk,
Nilakottai,
Dindigul District.



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M.S. RAMESH, J.
AND
A.D.MARIA CLETE, J.

RR

ORDER
IN
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Date : 02/12/2024