



W.P(MD)No.31138 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 02.01.2024

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**W.P(MD)No.31138 of 2023
and
W.M.P(MD)Nos.26694 & 26695 of 2023**

Mookkaian

... Petitioner

Vs.

1.The District Collector,
Collectorate Complex,
Tuticorin District.

2.The Tahsildar,
Ottapidaram Tahsildar Office,
Ottapidaram,
Tuticorin District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned notice issued by the second respondent vide Na.Ka.No.A3/863/2023 dated 06.12.2023 and quash the same as illegal and consequently direct the respondents to issue patta to the petitioner's house situated at Survey No.143/3



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in South Sinthalakottai Village, Kurukkusalai Panchayat, Ottapidaram Taluk,
Tuticorin District.

For Petitioner : Mr.K.S.Duraipandian

For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

Heard both sides.

2.The petitioner was issued the impugned notice under Section 6 of the Tamil Nadu Land Encroachment Act. He has filed an appeal under Section 10 of the Act before the first respondent. The apprehension of the petitioner is that the appeal may be dismissed as infructuous by enforcing the order in the meanwhile.

3.We direct the respondents to keep the order under Section 6 of the Act in abeyance and hold till the disposal of the appeal by the first respondent. The first respondent is directed to dispose of the statutory appeal filed by the petitioner on merits and in accordance with law within a period of four months from the date of receipt of a copy of this order.



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4.This writ petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[G.R.S., J.] [B.P., J.]
02.01.2024

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

To

- 1.The District Collector,
Collectorate Complex,
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- 2.The Tahsildar,
Ottapidaram Tahsildar Office,
Ottapidaram,
Tuticorin District.



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