



W.P(MD)No.30709 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 19.12.2024

CORAM

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

**W.P(MD)No.30709 of 2024
and
W.M.P(MD)No.25783 of 2024**

S.Narayana Perumal

... Petitioner

Vs.

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The District Revenue Officer,
Tirunelveli District,
Tirunelveli.
- 3.The Revenue Divisional Officer,
Cheranmahadevi Division,
Tirunelveli District.
- 4.The Tahsildar,
Ambasamudram Taluk,
Tirunelveli District.
- 5.The Assistant Executive Engineer,
Water Resources Department,



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West Thamiraparani Sub Division,
Cheranmahadevi,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the first respondent to pass an order on an appeal filed under section 10 of the Land Encroachment Act, 1905 dated 18.11.2024 based on this Court's order passed in W.P(MD).No.2605 of 2024 dated 30.09.2024 with letter and spirit and forbearing the respondents from taking any coercive action against the possession and ownership of the building in Survey No.876/1A and 876/4 to an extent of 6 cents at Vickramasingapuram Village which is being used by the Nadar Samuthayam 9th day Mandakapadi Mandapam for Papanasam Sivankoil.

For Petitioner : Mr.Ananth C.Rajesh

For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

Heard both sides.

2.Questioning the eviction order passed by the fifth respondent, the petitioner had filed W.P(MD)No.2605 of 2024. Since the order is appealable, we relegated the petitioner to avail the appeal remedy. Pursuant to the liberty by us, the petitioner has filed an appeal before the first respondent.



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3.The apprehension of the petitioner is that the appeal itself can be infructuous by enforcing the eviction order.

4.The learned Special Government Pleader clearly states that till the disposal of the appeal, no coercive action will be taken. As regards the issue regarding Mandagapadi, the petitioner has to work out his rights elsewhere.

5.This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [B.P., J.]
19.12.2024

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

To

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The District Revenue Officer,
Tirunelveli District,
Tirunelveli.



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and

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MGA

- 3.The Revenue Divisional Officer,
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- 4.The Tahsildar,
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- 5.The Assistant Executive Engineer,
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