



W.P.(MD)No.1440 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.1440 of 2025

Raguram

: Petitioner

Vs.

1.The District Collector / Monitoring Committee,
Tirunelveli District,
Tirunelveli.

2.The Revenue Tahsildar,
Radhapuram Circle,
Radhapuram,
Tirunelveli District.

3.The Sub Collector,
Cheranmagadevi,
Tirunelveli District.

4.The Block Development Officer,
Valliyoor,
Tirunelveli District.

: Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, forbearing the second respondent from initiating further proceedings in pursuance of the order as passed on 10.12.2024 under Reference Na.Ka.A8/9174/2023 under Section 6 of Tamil Nadu Land Encroachment Act, 1905, pending disposal of the appeal as filed by me before the first respondent dated 29.12.2024 forthwith.

For Petitioner : Mr.S.Palanivelayutham

For Respondents 1 to 4 : Mr.J.Ashok

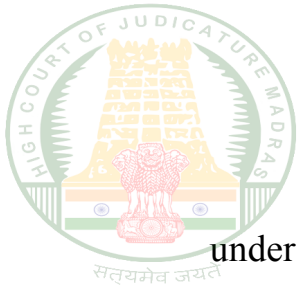
Additional Government Pleader

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.This writ petition has been filed for a Mandamus to forbear the second respondent from initiating further proceedings in pursuance of the order passed on 10.12.2024 under Reference Na.Ka.A8/9174/2023



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under Section 6 of “the Tamil Nadu Land Encroachment Act, 1905” [hereinafter referred to as “the Act”], pending disposal of the appeal filed by the petitioner before the first respondent dated 29.12.2024 forthwith.

3.As against the eviction order dated 10.12.2024, under Section 6 of the Act, the petitioner has admittedly preferred an appeal under Section 10 of the Act on 29.12.2024, which is pending before the first respondent herein. The prayer in the present writ petition is to forbear the revenue Tahsildar from enforcing the eviction order. Section 10-B of the Act itself provides for granting stay of execution of the eviction order. When there is a specific provision under the Act to redress the grievance of the petitioner and an appeal filed by him is also pending, seeking for a similar relief before this Court may not be justifiable. On the other hand, it is always open to the petitioner to make an appropriate application before the concerned Collector under Section 10-B. In the light of the above observations, no interference is required to the prayer sought for in the present writ petition.



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4.Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs.

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

21.01.2025

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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M.S.RAMESH, J.

and

A.D.MARIA CLETE, J.

MR

ORDER MADE IN

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