

WP(MD). No.6146 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 06/03/2025

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU
AND
THE HONOURABLE MRS.JUSTICE S.SRIMATHY

WP(MD). No.6146 of 2025
and WMP(MD) No.4506 of 2025

Vellaikannu

... Petitioner

v.

1. The District Collector,
Sivagangai District..

2. The Tahsildhar,
Kalayarkoil Taluk,
Sivagangai District..

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to dispose of the petitioners appeal dated 26.02.2025 within a time period stipulated by this Court and consequentially forbearing the Respondents from disturbing the possession of the petitioner in property situated in Survey Nos. 451/22, 451/23 Muthur Village, Nattarasankottai, Kalayarkoil Taluk, Sivagangai District pending disposal of the file of the 1st respondent.



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For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Ms.D.Farjana Ghoushia
Special Government pleader

ORDER

(Order of the Court was made by J.NISHA BANU, J.)

The writ petition has been filed for a direction to the 1st respondent to dispose of the petitioner's appeal dated 26.02.2025 within a time period stipulated by this Court and consequently forbear the respondents from disturbing the possession of the petitioner in property situated in Survey Nos. 451/22, 451/23 Muthur Village, Nattarasankottai, Kalayarkoil Taluk, Sivagangai District pending disposal of the appeal.

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

3. The petitioner is the owner of the property in Nos. 451/22, 451/23 Muthur Village, Nattarasankottai. While so, a complaint has been preferred by one K.Vasanth before the official respondents stating that the petitioner has illegally encroached upon and made unauthorised



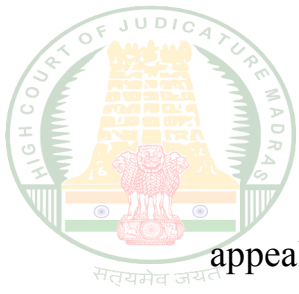
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construction in the common pathway, and filed a writ petition in WP(MD) No.13826/2024 and this Court on 27.06.2024 disposed of the writ petition with a direction as follows:

“6. The said submission made by the learned Government Pleader appearing for the official respondents is taken on record. In the result, the following orders are passed in this writ petition:

That, there shall be a direction to the 2nd respondent to initiate action for removal of encroachment either by the 4th respondent or any other third parties in the common pathway situated at Survey No.451/22 at Muthur Revenue Village, Kalayarkovil Taluk, Sivagangai District, after giving notice to the 4th respondent as well as any other encroachers and needful action shall be undertaken after conducting the survey within a period of two months from the date of receipt of a copy of this order.”

4. Pursuant to the said order, the 2nd respondent has issued an eviction notice under Section 7 of the Land Encroachment Act, 1905 to the petitioner on 30.12.2025 and order under Section 6 was issued on 13.02.2025. Against which, the petitioner has filed an appeal under Section 10 of the Land Encroachment Act, 1905. However, the said



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appeal has not been disposed of so far. Hence, the petitioner is before this Court with this writ petition.

5. Considering the submissions made by the learned counsel for the petitioner and without advertng to the merits of the matter, the 1st respondent is directed to dispose of the appeal dated 26.02.2025 preferred by the petitioner within a period of four weeks from the date of receipt of a copy of this order. In the appeal filed, the petitioner shall file an application for stay within a period of one week from the date of receipt of a copy of this order.

5.The Writ Petition is disposed of with the above direction. No costs.

[J.N.B.,J]

[S.S.Y.,J]

06.03.2025

NCC : Yes/No

Index : Yes/No

RR



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