



W.P(MD)No.12490 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2025

CORAM:

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.P(MD)No.12490 of 2025
and
W.M.P(MD)No.9101 of 2025**

1.A.Vadivel
2.M.Mahalingam
3.R.Banumathi
4.M.Senthil
5.V.Selvi
6.R.Baskar
7.B.Siranjeevi
8.G.Singari
9.B.Kannaki
10.V.Thangaraja
11.S.Ganesan
12.G.Vijayarathinam
13.G.Manjula

... Petitioners

vs.

1.The District Collector,
O/o.The District Collector,
Pudukkottai District,
Pudukkottai.



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2.The Tahsildar,
Taluk Office,
Avudaiyarkovil Taluk,
Pudukkottai District.

3.The Revenue Inspector,
O/o.The Revenue Inspector,
Memisal Firka,
Avudaiyarkovil Taluk,
Pudukkottai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to forbear the second respondent from in anyway dispossessing the petitioners during the pendency of the appeal dated 23.04.2025 filed before the first respondent and consequently direct the first respondent to dispose the appeal dated 23.04.2025 within the stipulated period that may be fixed by this Honble Court

For Petitioners : Mr.H.Mohamed Imran
for M/s.Ajmal Associates

For Respondents : M/s.D.Farjana Ghousia
Special Government Pleader

ORDER

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

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

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2.It is the case of the petitioners that they are in possession and enjoyment of the land in Survey No.54, Nattanipurasakudi Village, Avudaiyarkovil Taluk, Pudukkottai District. The said property was used as a salt pan and due to Gaja Cyclone, the land in question was unable to be used as a salt pan. Further, the Revenue Department gave patta to some of the fishermen in the very same Survey No.54. Subsequently, several houses were constructed.

3.When the matter stood thus, the petitioners were served with a show cause notice on 05.03.2025 under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 (hereinafter referred to as 'the Act'). Challenging the same, the petitioners filed W.P.(MD)Nos.7583 to 7596 of 2025, wherein this Court, vide order dated 19.03.2025, directed the petitioners to appear before the third respondent on 24.03.2025 with all relevant documents and on such appearance, the third respondent was directed to conduct enquiry and pass appropriate order under Section 6 of the Act.



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4.Pursuant to the said direction, the petitioners appeared before the authorities on 24.03.2025 and thereafter, the second respondent, vide proceedings dated 04.04.2025, passed common order, stating that there is an encroachment in Survey Nos.63/1 and 54. Challenging the same, the petitioners filed an appeal before the first respondent under Section 10 of the Act along with stay application under Section 10B of the Act. Since the same has not been considered so far, they have filed this Writ Petition to forbear the second respondent from in anyway dispossessing the petitioners during the pendency of the appeal dated 23.04.2025 filed before the first respondent and to direct the first respondent to dispose of the appeal dated 23.04.2025 within the stipulated period that may be fixed by this Court.

5.Mrs.D.Farjana Ghoushia, learned Special Government Pleader takes notice for the respondents and submits that the appeal filed by the petitioners would be disposed of within a stipulated period.



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6.Considering the submission made by the learned counsel on either side, we direct the first respondent to dispose of the stay application within a period of two weeks from the date of receipt of a copy of this order and also dispose of the appeal filed by the petitioners within a period of five months from the date of receipt of a copy of this order. Till such time, the respondents are directed not to take any coercive action against the petitioners.

7.With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

[J.N.B.,J.] & [S.S.Y.,J.]
28.04.2025
(1/2)

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps



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To

- 1.The District Collector,
O/o.The District Collector,
Pudukkottai District,
Pudukkottai.
- 2.The Tahsildar,
Taluk Office,
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- 3.The Revenue Inspector,
O/o.The Revenue Inspector,
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J.NISHA BANU, J.
and
S.SRIMATHY, J.

ps

ORDER MADE IN
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DATED : 28.04.2025
(1/2)