

W.P.(MD)No.21635 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.08.2025

CORAM

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

W.P(MD)No.21635 of 2025
and
W.M.P.(MD)No.16731 of 2025

Gangatharan

... Petitioner

Vs.

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

2.The Tahsildar,
Orathanadu Taluk,
Thanjavur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to forbear the respondents from dispossessing the petitioner and his family members in S.F.No.717/2 of Thennamanadu North Village, Orathanadu Taluk, Thanjavur District, till the disposal of appeal in Appeal No. 3093003 of 2025 dated .07.2025 pending on the file of the 1st respondent under Section 10(A) of Tamil Nadu Land Encroachment Act.



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For Petitioner :Mr.M.Suresh

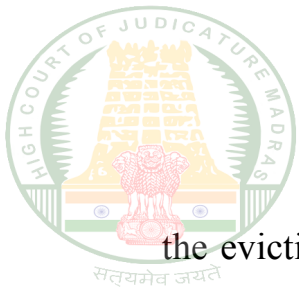
For Respondents :Mr.C.Venkatesh Kumar
Special Government Pleader

ORDER

Heard both sides.

2. The petitioner suffered an order under Section 6 of the Land Encroachment Act. It is beyond dispute that the petitioner is in occupation of the petition mentioned water body. Another encroacher by name Ramesh filed an appeal before the District Collector, Thanjavur under Section 10 of the Land Encroachment Act. The said appeal was dismissed vide order dated 20.03.2025. In the said appeal proceedings, the writ petitioner herein was also called for enquiry. The writ petitioner had made a request for allotment of alternative site / accommodation.

3. Subject to the petitioner filing an affidavit of undertaking that he would vacate within six months from today, we direct the respondents to keep the eviction order in abeyance for the said period. If such an affidavit of undertaking is not filed within three weeks before the Tahsildar, Orathanadu,



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the eviction order shall be enforced. We also grant liberty to the petitioner to file an application before the first respondent seeking allotment of alternative site / accommodation. If such an application is filed within a period of three weeks from today, the first respondent shall dispose of the application on merits and in accordance with law within a period of two months thereafter. If the writ petitioner is found to be eligible as per norms, his request shall be considered favourably.

4. The Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [B.P., J.]
07.08.2025

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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To

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

2.The Tahsildar,
Orathanadu Taluk,
Thanjavur District.

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