



W.P.(MD)No.31473 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.31473 of 2024

Rasu

: Petitioner

Vs.

1.The District Collector,
Collector Office,
Theni.

2.The Tahsildar,
Andipatti,
Theni District.

3.The Revenue Inspector,
Mayiladumparai,
Andipatti Taluk,
Theni 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 respondents from proceedings with the notice dated 11.12.2024 issued by the second respondent to the petitioner under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 till the disposal of the statutory appeal dated 14.12.2024 and the interim stay petition dated 18.12.2024 preferred by him with the first respondent under Section 10 of the Tamil Nadu Land Encroachment Act, 1905.

For Petitioner : Mr.R.Maheswaran

For Respondents : 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.



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2.The prayer sought for in this Writ Petition is for a Mandamus, to forbear the respondents from proceeding with the notice dated 11.12.2024 issued by the second respondent to the petitioner under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 till the disposal of the statutory appeal dated 14.12.2024 and the interim stay petition dated 18.12.2024 preferred by him with the first respondent under Section 10 of the Tamil Nadu Land Encroachment Act, 1905.

3.Admittedly, the petitioner herein had preferred an appeal under Section 10 of “the Tamil Nadu Land Encroachment Act, 1905” [hereinafter referred to as “the Act” for convenience], against the eviction order passed under Section 6 of the Act and has also move an interim application seeking for stay of the eviction proceedings. While the petitioner herein had invoked the statutory appeal under the Act and the same is pending, entertaining the present Writ Petition for a similar relief which is before the appellate authority is impermissible.



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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.]

06.01.2025

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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06.01.2025