



W.P.(MD) No.3714 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.02.2025

CORAM:

THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

AND

THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

W.P.(MD)No.3714 of 2025

and

W.M.P.(MD)No.2669 of 2025

Suresh

... Petitioner

-Vs-

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

2.The Tahsildar,  
Tenkasi Taluk, Tenkasi District.

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the 2<sup>nd</sup> respondent from proceeding with his order dated 28.11.2024 under Section 6 of Tamil Nadu Land Encroachment Act 1905 till the disposal of the statutory appeal preferred by the petitioner before the 1<sup>st</sup> respondent under Section 10 of Tamil Nadu Land Encroachment Act 1905 dated 12.12.2024.

For Petitioner : Mr.K.Jeyamohan

For Respondents : Mr.M.Sarangan,

Additional Government Pleader



W.P.(MD) No.3714 of 2025

## **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.

2.It is the case of the petitioner that under Bhoodan Yagna Movement, the land in Survey No.349/2 to an extent of 0.77.00 hectares was allotted to his predecessor. However, in the revenue records, the entries in respect of the land in question reflects as 'Government Poramboke / Bhoodan Land' While being so, he was served with a show cause notice on 09.11.2024 under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 (hereinafter referred to as 'the Act'), for which, the petitioner made his reply on 19.11.2024. However, without considering the same, the 2<sup>nd</sup> respondent issued eviction notice on 28.11.2024 under Section 6 of the Act. Aggrieved by the same, the petitioner has filed an appeal on 12.12.2024 before the 1<sup>st</sup> 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, he has filed this Writ Petition to forbear the 2<sup>nd</sup> respondent from proceeding with his order dated 28.11.2024 under Section 6 of the Act, till the disposal of the appeal dated 12.12.2024.



W.P.(MD) No.3714 of 2025

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3. There is an appeal provision under the Act and the petitioner has already filed an appeal and stay petition has also been filed. Instead of obtaining the stay in the appeal, the petitioner has come forward with this Writ Petition for the very same relief, which is not maintainable. Accordingly, this Writ Petition is dismissed. However, the 1<sup>st</sup> respondent is directed to dispose of the stay petition filed in the appeal on its own merits and in accordance with law within a period of eight (8) weeks from the date of receipt of a copy of this order. If necessary, the 1<sup>st</sup> respondent can dispose of the appeal itself within the said stipulated period. No costs. Consequently, connected miscellaneous petition is closed.

**[J.N.B., J.] & [S.S.Y., J.]**  
**17.02.2025**

NCC : Yes / No  
Index : Yes / No

*Yuva*

To

1. The District Collector / Monitoring Committee,  
Tenkasi District, Tenkasi.
2. The Tahsildar,  
Tenkasi Taluk, Tenkasi District.



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W.P.(MD) No.3714 of 2025

**J.NISHA BANU, J.**

**AND**

**S.SRIMATHY, J.**

*Yuva*

W.P.(MD)No.3714 of 2025

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