

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

W.P. Nos.23434 to 23438 of 2015
and
M.P.Nos.1 of 2015

M. PeriyasamyPetitioner in WP No.23434 of 2015
M. Paul AmmalPetitioner in WP No.23435 of 2015
M. Senthil KumarPetitioner in WP No.23436 of 2015
M. Pushpa DeviPetitioner in WP No.23437 of 2015
M. RamakrishnanPetitioner in WP No.23438 of 2015

vs.

1 The District Collector
Kancheepuram
Kancheepuram District

2 The Tahsildar
Chengalpet Taluk
Kancheepuram District

3 The Revenue Divisional Officer
Chengalpet Taluk
Kancheepuram District

4 The Revenue Inspector
Guduvanjerry
Chengalpet Taluk
Kancheepuram District

5 The Village Administrative Officer
Kelampakkam Village
Chengalpet Taluk
Kancheepuram District

...Respondents in all the writ petitions

Writ Petitions filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents not to take away the petitioners' land in No.3, Kilambakkam Village, Urapakkam Panchayat, Kancheepuram District comprised in Survey No.167 measuring to an extent of 3 cents, till the pending disposal of the revision petitions presented before the Commissioner for Land Reforms, (Ezhilagam), Chepauk, Chennai 600 005 dated 03.07.2015.

For petitioner
in all the WPs : Mr. M. Thamizhavel

For respondents : Mr. N. Sakthivel
in all the WPs : Government Advocate

COMMON ORDER
(made by SATISH K. AGNIHOTRI, J.)

Mr. N. Sakthivel, learned Government Advocate, accepts notice for all the respondents. With the consent of the learned counsel for the parties, the writ petitions are taken up for final disposal. Regard being had to the commonality of the issue involved, all these writ petitions are considered and decided by this common order.

2 The case of the petitioners, who are siblings, is that challenging the notices dated 26th August 2013, issued by the second respondent, viz., Tahsildar, Chengalpet Taluk, Kancheepuram District, under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 (for short "the Act"), they preferred appeals before the first respondent, viz., District Collector, Kancheepuram, under Section 10, ibid, on 18th December 2013. The said appeals were dismissed by a common order dated 28th June 2015. Feeling aggrieved by the said dismissal order, they preferred revision petitions under Section 10-A of the Act before the Commissioner for Land Reforms, Ezhilagam, Chepauk, Chennai - 600 005 on 3rd July 2015. Along with the said Revision Petitions, the petitioners also filed applications under Section 10-B of the Act seeking interim protection. No decision has been taken either on the revision petitions or applications for interim protection, till date. Thus, these writ petitions for a direction to the Revisional Authority to consider and take a decision on the interim applications as well as on the Revision Petitions expeditiously, so that the property in question be protected from demolition.

3 The learned Government Advocate fairly submits that a direction may be issued to the Commissioner for Land Reforms,

Chepauk, Chennai 600 005, who is the competent authority, to take a decision on the Revision Petitions on their own merits and in accordance with law.

4 Having considered the aforesaid submission, to sub-serve the interest of justice, a direction is issued to the Revisional Authority, viz., the Commissioner for Land Reforms, Ezhilagam, Chepauk, Chennai 600 005, to decide the Revision Petitions preferred by the petitioners, expeditiously. It is also made clear that the applications for interim relief filed under Section 10-B of the Act be decided within a period of two weeks from today. For a period of two weeks from today, status quo as obtained today in respect of the property in question, shall be maintained.

5 The writ petitions stand disposed of with the above direction and observation. Costs made easy. Connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

cad

To

- 1 The District Collector
Kancheepuram
Kancheepuram District
- 2 The Tahsildar
Chengalpet Taluk
Kancheepuram District
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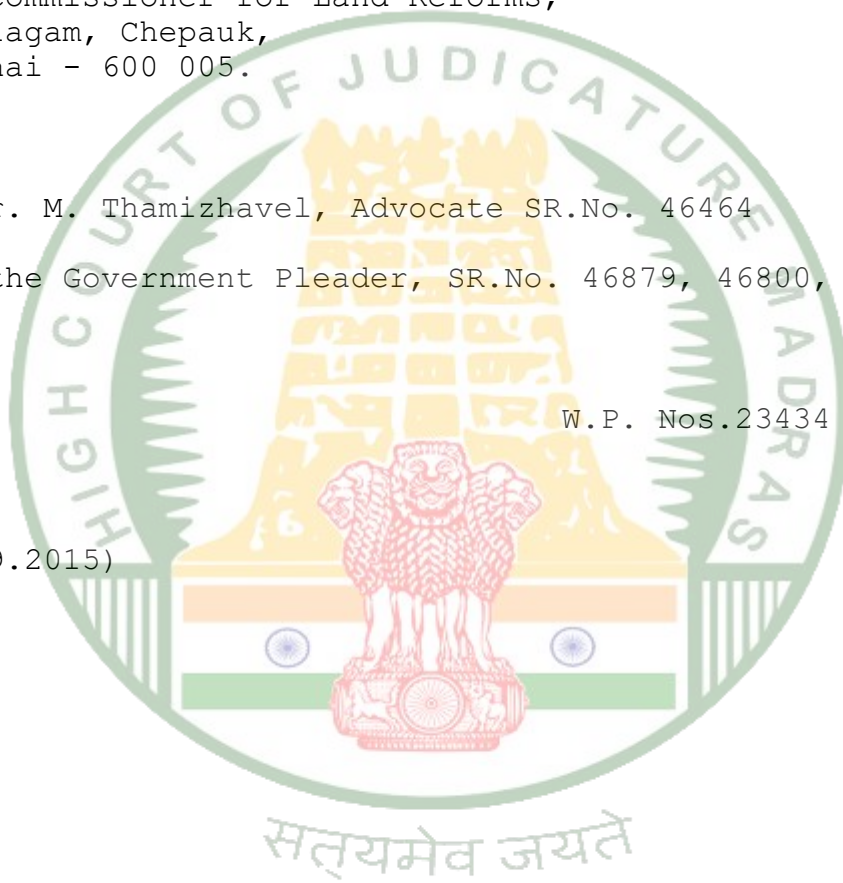
6 The Commissioner for Land Reforms,
Ezhilagam, Chepauk,
Chennai - 600 005.

1 CC to Mr. M. Thamizhavel, Advocate SR.No. 46464

5 CCs to the Government Pleader, SR.No. 46879, 46800, 46897, 46898,
46895

W.P. Nos.23434 to 23438 of 2015

LRS (CO)
PSI (14.09.2015)



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