

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.6476 of 2015 and M.P. No.1 of 2015

1 Lakshmanan
2 Srinivasan
3 Rajaraman
4 Arjunan
5 Manoharan

Petitioners

Vs.

1 The Secretary to Government
Land Administration Department
Fort St. George
Chennai 600 009

2 The District Collector
Cuddalore District
Cuddalore

3 The Revenue Divisional Officer
Cuddalore

4 The Tahsildar
Kurinjipadi Taluk
Cuddalore District

5 N. Subramaniam

6 K. Satish

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to dispose of the revision filed by the petitioners dated 17.02.2015 under Section 10-B of the Tamil Nadu Land Encroachment Act, 1905, against the order of the second respondent dated 11.02.2015 under Ref. No.V3/29845/2014 within a time frame.

For petitioners Mr. Lakshman
1st Petitioner-in-person

For RR 1-3 Mr. N. Sakthivel
Government Advocate

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ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

This writ petition is filed seeking a writ of mandamus directing the first respondent to dispose of the revision dated 17.02.2015 filed by the petitioners under Section 10-A(1)(C) of the Tamil Nadu Land Encroachment Act, 1905, (for short "the Act") against the order of the second respondent dated 11.02.2015 passed under Ref. No.V3/29845/2014, within a time frame.

2 Mr. N. Sakthivel, learned Government Advocate, takes notice for the respondents 1 to 3. With the consent of the first petitioner-in-person appearing on behalf of other petitioners also and the learned Government Advocate appearing for the respondents 1 to 3, the writ petition is taken up for final disposal. It is not necessary to issue notice to respondents 4 to 6, as, no decision can be taken without affording an opportunity of hearing to them. Thus, we are passing this order, without issuing notice to respondents 4 to 6.

3 The second respondent has passed an order dated 11.02.2015 under Section 10 of the Act, dismissing the petitioners' appeal.

4 From a perusal of the records, it is seen that the petitioners have filed a revision under Section 10-A(1)(C) of the Act before the first respondent on 17.02.2015 against the aforesaid order dated 11.02.2015, which is pending consideration. It is further seen that along with the said revision, the petitioners have also filed an application for interim stay under Section 10-B of the Act.

5 Therefore, without going into the merits of the case, we are of the considered view that if a revision is filed along with the application for interim relief, the officers are well advised to consider the application for interim relief to avoid further complications at the earliest, preferably within a period of two weeks.

6 Accordingly, we direct the first respondent to consider the petitioners' application for interim relief as early as possible, preferably, within a period of two weeks from today and also to consider the petitioners' revision within the statutory period prescribed under the provisions of law, on its own merits and in accordance with law. There shall be an order of status quo as obtained today, for a period of two weeks. Needless to state that

respondents 4 to 6 shall be given an opportunity of hearing before orders are passed in the revision petition.

7 With the above directions, the writ petition is disposed of. No costs. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar
Dated:16.3.15

True Copy

Sub Assistant Registrar

To

1 The Secretary to Government
Land Administration Department
Fort St. George
Chennai 600 009

2 The District Collector
Cuddalore District
Cuddalore

3 The Revenue Divisional Officer
Cuddalore

4 The Tahsildar
Kurinjipadi Taluk
Cuddalore District

+2 cc's to M/s.Ashok Menon, Advocate, SR.14538

+1 cc to the Government Pleader, SR.14467.

krd 16/3

सत्यमेव जयते

W.P. No.6476 of 2015

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