

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2015

CORAM:

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

W.P. No.8052 of 2015 and M.P. No.1 of 2015

R. Muthukrishnan

Petitioner

vs.

- 1 The Government of Tamil Nadu
represented by its Secretary to Government
Revenue Secretary
Fort St. George
Secretariat
Chennai 600 009
- 2 The Additional Chief Secretary/
Commissioner of Land Administration
Ezhilagam
Chepauk, Chennai 600 005
- 3 The District Collector
Kancheepuram District, Kancheepuram
- 4 The Tahsildar
Sholinganallur Taluk
Sholinganallur, Kanchipuram District
- 5 Pon. Thangavelu, Secretary
Rajan Nagar and Selva Nagar Welfare Association
2/214A, II Street
Rajan Nagar
Enjambakkam
Chennai 600 115

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to re-classify Cast Track Poramboke in Enjambakkam Village S.No.253/2, into Anatheenam Poramboke as per Revenue Standing Order 26 Rule 11 and to consider the assignment of house site patta or alternative site in favour of the petitioners.

For petitioner Mr. R. Margabandhu

For RR 1-4 Mr. N. Sakthivel
Government Advocate

For R5 Mr. A.P. Suryaprakasam

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ORDER

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

With the consent of the learned counsel for the parties, this writ petition is taken up for final disposal.

2 This writ petition is filed seeking a writ of mandamus directing the first respondent to re-classify the Cart Track Poramboke in S.No.253/2 in Enjambakkam Village into Anatheenam Poramboke, as per Revenue Standing Order 26 Rule 11 and to consider the assignment of house site patta or alternative site in favour of the petitioner.

3 The case of the petitioner before us is that as against the order dated 27.02.2015 passed by the second respondent in Roc.T1/26353/2012 dated 27.02.2015, the petitioner has preferred a revision petition before the State Government under Section 10-A(1) (C) of the Tamil Nadu Land Encroachment Act, 1905 (for short "the Act"). Along with the revision petition, the petitioner has filed an application for stay as well under the provisions of Section 10-B of the Act.

4 The petitioner seeks a direction by this Court to the State Government for disposal of the revision petition, expeditiously and also grant of interim relief, till the disposal of the revision petition.

5 Under Section 10-B of the Act, there is a provision to grant interim relief, pending decision in the revision petition to be exercised by the revisional authority, i.e., the State Government and in that event, when the revision as well as application for stay is pending consideration, we are of the view that the writ petition is not maintainable.

6 The learned Government Advocate appearing for respondents 1 to 4 submits that the petitioner's application for interim relief shall be considered expeditiously.

7 Having regard to the fact situation of the case, as aforesaid, we are of the considered opinion that a direction may be issued to the revisional authority to consider the application for stay within a period of two weeks and it is accordingly ordered. For a period of two weeks, status quo as obtained today, in respect of

the property in question, shall be maintained. The revisional authority is further directed to consider and decide the revision petition in accordance with law and on its own merits within the statutory period as prescribed under law.

8 The writ petition stands disposed of with the above directions. No costs. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

- 1 The Revenue Secretary
Government of Tamil Nadu
Fort St. George
Secretariat
Chennai 600 009
- 2 The Additional Chief Secretary/
Commissioner of Land Administration
Ezhilagam
Chepauk, Chennai 600 005
- 3 The District Collector
Kancheepuram District
Kancheepuram
- 4 The Tahsildar
Sholinganallur Taluk
Sholinganallur
Kanchipuram District

+1 cc to Government Pleader, SR.18992

+1 cc to Mr.N.Santhosh Nagarajan, Advocate, SR.19086

+3 cc's to Mr.R.Margabandhu, Advocate, SR.18773

jp(co)
krd 15/4

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