

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE:13.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.13818 of 2016 &

WMP Nos.12127 of 2016

1. M.V. Parvathiammal
2. Shantha Kumari

[PETITIONERS]

Vs.

1. The Principal Secretary
Commissioner for Land Reforms
Ezhilagam, Chepauk,
Chennai 600 005.
2. The Sub Collector,
Pollachi.

[RESPONDENTS]

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari to call for the records relating to the proceedings of the Principal Secretary Commissioner of Land Reforms, Chepauk, Chennai-600 005, dated 26.02.2016 and made in Rc.D1/ 2553/15 (L.Ref.) the first respondent herein and quash the same.

For Petitioners : Mr.N.Damodaran

For Respondents : Mr.R.Lakshmi Narayanan
RR1 & 2 Additional Govt. Pleader

O R D E R

Heard Mr.N.Damodaran, learned counsel appearing for the petitioners and Mr.R.Lakshmi Narayanan, learned Additional Government Pleader appearing for the respondents and with the consent of the learned counsel on either side, the Writ Petition is taken up for final disposal.

2.This Writ Petition has been filed challenging the order passed by the first respondent dated 26.02.2016, which is an interim order, by which the first respondent has granted stay of the order passed by the second respondent dated 14.09.2015. There is a further direction to the second respondent to send all the records to the Office of the first respondent duly indicating the dates and events not later than 07.03.2016.

3.The said direction is bound to be complied with by the second respondent. The petitioner would state that soon after the order was passed by the second respondent dated 14.09.2015, the first petitioner has settled the property in favour of her daughter viz. the second petitioner vide Settlement Deed dated 14.10.2015, registered as Document No.8426 of 2015, on the file of the Sub-Registrar, Pollachi. Further, it is stated that as on date, the Revenue Records stand in the name of the second petitioner. Therefore, it is submitted that on account of the interim order, there will be a serious civil consequence and hence the petitioners seek for setting aside the impugned proceedings.

4.Heard the learned Additional Government Pleader on the above submissions.

5.The order impugned in this Writ Petition being only an interim order, there would no necessity to set aside the same, since the object of granting interim order is to preserve the status quo, pending disposal of the Revision/Appeal before the concerned authority. However, while doing so, the subsequent events which have taken place after the order was passed by the original authority has to be considered and the interim order has to be accordingly moulded.

6.Thus, taking note of the facts of the case, the Writ Petition is disposed of with a slight modification to the impugned order by ordering that the status quo with regard to the revenue entries which are prevailing on the date of the impugned order dated 26.02.2016, shall be maintained till the Revision Petition is disposed of by the first respondent, coupled with the further direction that the petitioners herein shall not in any manner encumber or alienate, part with possession or change the physical features of the property in question, till the Revision Petition is heard and disposed of by the first respondent. Considering the fact that the proceedings under the Act were initiated in 1991, the first respondent is directed to hear and dispose of the Revision Petition, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner and all others concerned, within a period of two months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

rpa

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Principal Secretary
Commissioner for Land Reforms
Ezhilagam, Chepauk,
Chennai 600 005.

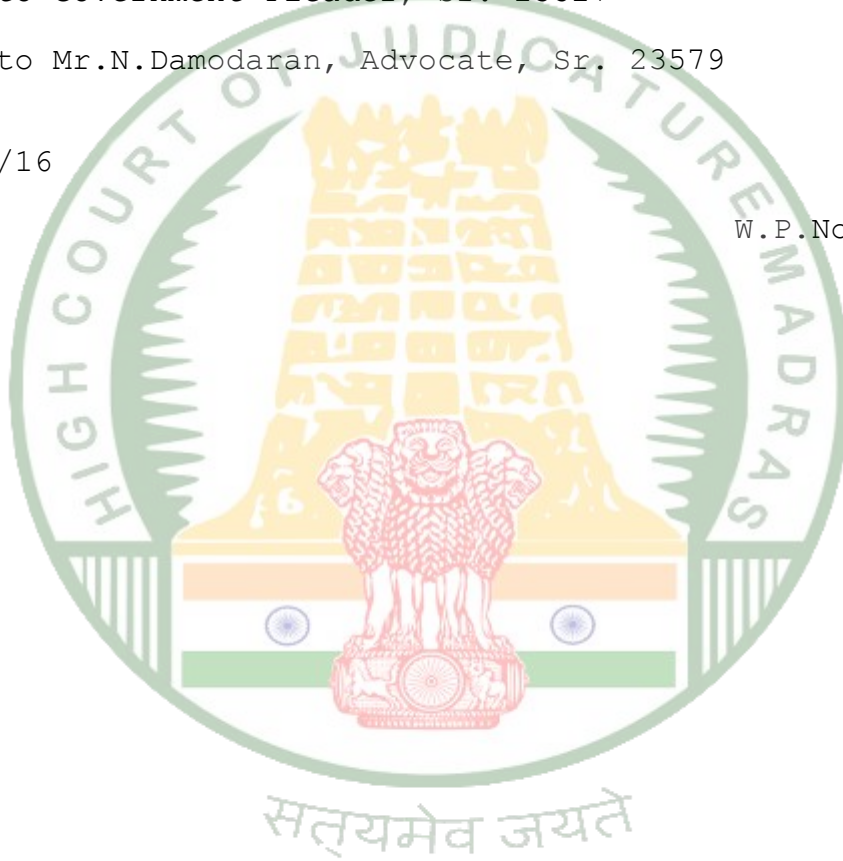
2. The Sub Collector,
Pollachi.

+ 1 cc to Government Pleader, Sr. 23527

+ 1 cc to Mr.N.Damodaran, Advocate, Sr. 23579

KR/27/4/16

W.P.No.13818 of 2016



WEB COPY