

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 7.9.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.25777 of 2016
and
W.M.P.No.22091 of 2016

Thangavel

... Petitioner

Versus

1 The State Rep by the Secretary
Revenue Department
Fort St. George Chennai-600 009.

2 The Commissioner of Land
Administration Chepauk
Chennai-600 005.

3 The District Collector
Salem Salem District

4 The Revenue Divisional
Officer Sankari Taluk
Salem District

5 The Tahsildar
Sankari Taluk Salem District

6 The Revenue Inspector
Thevoor Sankari Taluk
Salem District

7 The Inspector of Police
Sankari Taluk
Salem District

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents to handover the possession of land in S.No.96/15 of an extent of 0.40.0 Ares situate at Konaripatti Agraharam Village, Sankari Taluk, Salem District to the petitioner and consequently direct the respondents to pay a sum

of Rs.5,00,000/- as compensation to the petitioner for illegal action of the State.

For petitioner : Mr.M.Elango

For Respondents : Ms.Vasudha Thiagarajan, AGP

ORDER

(Order of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the petitioner and Ms.Vasantha Thiagarajan, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

2. The writ petition has been filed seeking issuance of a writ of mandamus directing the respondents to handover the possession of land in S.No.96/15 of an extent of 0.40.0 Ares situate at Konaripatti Agraharam Village, Sankari Taluk, Salem District to the petitioner and consequently direct the respondents to pay a sum of Rs.5,00,000/- as compensation to the petitioner for illegal action of the State.

3. The case of the petitioner is that he has been in possession of the land in question for over five decades and now he is facing the eviction proceedings at the hands of the respondent-authorities. According to the petitioner, a stream is running through his land and the lands of his neighbours an attempts are being made by the respondent-authorities to convert it as pathway by evicting the writ petitioner and a civil suit filed by himself and his neighbours is still pending with an interim order having been granted in favour of the writ petitioner and others. It is also the case of the writ petitioner that as against the eviction notice served on him, he had filed an appeal before the District Collector, however, the same was rejected on 8.6.2016 and the same was communicated to him on 16.6.2016, but, in the meantime, the respondents 3 to 7 had entered into his land and removed the encroachments, especially when there is a provision for revision is available to him.

4. Considering the facts and circumstances of the case, the writ petition is disposed of with a direction to the petitioner to file a revision before the Commissioner of Land Administration under section 10A of the Tamil Nadu Land Encroachment Act, 1905 within fifteen days from today and till then, status quo shall be maintained by the parties and the

Commissioner of Land Administration shall pass orders on the revision that would be filed by the petitioner, within a period of one month thereafter, on merits and in accordance with law, after giving an opportunity of hearing to the petitioner. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To:

1 The Secretary
Revenue Department
Fort St. George Chennai-600 009.

2 The Commissioner of Land
Administration Chepauk
Chennai-600 005.

3 The District Collector
Salem Salem District

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Thevoor Sankari Taluk
Salem District

7 The Inspector of Police
Sankari Taluk Salem District

+1cc to M/S.M.Elango, Advocate Sr.51404
+1cc to the Government Pleader Sr.51326

W.P.No.25777 of 2016

mp[co]
srg 23/09/2016