

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.09.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.25557/2017

Mr.B.Dillibabu

Petitioner

Versus

1 The Secretary
Revenue Department
Government of Tamil Nadu
Fort St George, Chennai 600 009.

2 The District Collector
O/o.The District Collector
Tiruvallur District.

3 K.Mala

Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the 3rd respondent to dispose of the revision preferred by the 3rd respondent against the order dated 08.05.2017 bearing Ref.No.Na.Ka.20877/2015/A1 by giving an opportunity to the petitioner within a period to be fixed by this Court.

For Petitioner : Mr.N.Alagu Narayanan
For R1&R2 : Mr.R.Vijayakumar, AGP

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.,]

By consent, the writ petition is taken up for final disposal. Mr.R.Vijayakumar, learned Additional Government Pleader accepts notice on behalf of the respondents 1 and 2.

2 The 3rd respondent herein, aggrieved by the order of the 2nd respondent dated 08.05.2017, in Na.Ka.No.20877/2015/A1, in and by which, removal of the encroachment made by her as well

as by one Muruganantham, in respect of the land in Survey No.582/2, Ambattur Village and Taluk, Tiruvallur District, which is classified as water body, under the provisions of the Tamil Nadu Land Encroachment Act, 1905, has filed a revision before the Commissioner, Land Administration, Ezhilagam, Chepauk, Chennai-5.

3 The learned counsel for the petitioner would submit that the said encroachments took place right in front of the petitioner's property and therefore, he is being denied access to the main road. He has further invited the attention of this Court to the order dated 03.07.2017 made in WP.No.16234/2017 and would submit that this Court, while disposing of the said writ petition filed by the 3rd respondent herein, challenging the order of the 2nd respondent herein as well as the Tahsildar, Ambattur Taluk dated 08.05.2017 and 06.07.2017 respectively, has directed the Appellate Authority to put the concerned person/s on notice and give a disposal and in the light of the said order also, the petitioner is to be heard by the Commissioner of Land Administration, before disposing of the revision filed by the 3rd respondent herein.

3 The Court heard the submissions of Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the respondents 1 and 2 and perused the materials placed before it.

4 This Court, taking into consideration, the limited scope of prayer sought for by the petitioner and without going into the merits of the claim projected by the petitioner, directs the Commissioner of Land Administration, Ezhilagam, Chepauk, Chennai-600 005, to put the petitioner herein, viz., Mr.B.Dillibabu, S/o.Mr.Balakrishnan, No.3/329, SIDCO Nagar, Villivakkam, Chennai 600 049, as well as the 3rd respondent on notice and thereafter, dispose of the revision petition filed by the 3rd respondent herein dated 08.05.2017, on merits and in accordance with law and pass appropriate orders as expeditiously as possible and not later than ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the 3rd respondent herein.

5 The writ petition stands disposed of with the above direction. No costs.

-s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

AP

To

1 The Secretary
Revenue Department
Government of Tamil Nadu
Fort St George, Chennai 600 009.

2 The District Collector
O/o.The District Collector
Tiruvallur District.

3 K.Mala

4. Mr.B. Dilli Babu
S/o Balakrishnan
3/329 SIDCO Nagar
Villivakkam, Chennai.

Copy to:-

The Commissioner
Land Administration,
Ezhilagam, Chempauk,
Chennai-600 005.

+1 CC to Ms. RRN Legal Advocate sr 70722.

+1 CC to The Additional Govt. Pleader sr 70668.

MR (CO)
sp (24/10/2017)

WP.No.25557/2017

सत्यमेव जयते
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