

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2017

CORAM:

THE HON'BLE MR. JUSTICE M.SATHYANARAYANAN
And
THE HON'BLE MR.JUSTICE N.SESHASAYEE

W.P.No.17641 of 2017
and WMP.No.19136 of 2017

- 1.Tmt.Meera
- 2.N.Soundararajan
- 3.S.Thirukumaran
- 4.Tmt.Rani
- 5.Tmt.A.Ellammal
- 6.K.Dheenadhayalan

...Petitioners

vs.

1. The Revisional Authority/
State of Tamil Nadu Rep. by
Secretary to Government,
Housing and Urban Development Department,
Fort St.George, Secretariat,
Chennai-600 009.
2. The District Collector,
Thiruvallur District,
Thiruvallur.
3. The Tahsildar,
Maduravoyal Taluk,
Thiruvallur District.
4. The Revenue Inspector,
Porur Sub Taluk,
Maduravoyal Taluk,
Thiruvallur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st respondent to dispose of the petitioner's revision petition dated 21.02.2017 within a stipulated period of time in accordance with law.

For Petitioners : Mr.A.Rajesh Kanna
For Respondents : Mr.M.Elumalai,
Government Advocate

O R D E R

(Order of the Court was made by M.SATHYANARAYANAN, J.)

The petitioner, challenging the order passed by the Appellate Authority, namely the Collector of Thiruvallur District dated 10.01.2017, dismissing the appeal filed under Section 10(1) of the Tamil Nadu Land Encroachment Act, 1905 in respect of S.No.14, Nerkundram Village, filed a revision before the Secretary to Government, Housing and Urban Development Department and came forward with this Writ Petition for disposal of the said revision.

2. This Court has considered the submission made by the learned counsel appearing for the petitioners and Mr.M.Elumalai, learned Government Advocate, who accepts notice on behalf of the respondents 1 to 4.

3. As per Section 10A(1)(b) of the Tamil Nadu Land Encroachment Act, 1905, any decision or order passed under this Act may be revised either suo motu or on application by the Commissioner of Land Administration, if such decision or order was passed by any officer other than the Appellate Authority.

4. In the light of the above said provision, this Court is of the view that the revision before the first respondent is not maintainable. If the petitioners are so advised, they are at liberty to file a revision under Section 10A(1)(b) of the Tamil Nadu Land Encroachment Act, 1905, against the order passed by the District Collector, Thiruvallur in Rc.No.21920/2016/B1 dated 10.01.2017, within a period of two weeks from the date of receipt of a copy of this order, before the Commissioner of Land Administration, who may entertain the revision, if the papers are otherwise in order and thereafter shall consider and dispose of the said revision as expeditiously as possible and not later than twelve weeks thereafter. It is made clear that till the filing of revision by the petitioner before the Commissioner of Land Administration, further proceedings initiated under the Land Encroachment Act shall be deferred.

5. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

jvm

To

1. The Secretary to Government,
State of Tamil Nadu,
Housing and Urban Development Department,
Fort St.George, Secretariat,
Chennai-600 009.
2. The District Collector,
Thiruvallur District,
Thiruvallur.
3. The Tahsildar,
Maduravoyal Taluk,
Thiruvallur District.
4. The Revenue Inspector,
Porur Sub Taluk,
Maduravoyal Taluk,
Thiruvallur District.
5. The Commissioner of Land Administration,
Chepauk, Chennai-5.

+lcc to Mr.A.Rajesh Kanna, Sr. 48751

+lcc to the Government Pleader, Sr. 49115

W.P.No.17641 of 2017

VGI (CO)
VR(24/07/2017)