

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2017

CORAM

THE HON'BLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.No.29626 of 2013  
and M.P.No.1 of 2013

G.Ravi

...Petitioner

Vs.

1. The Principal Commissioner &  
Secretary, Land Reforms & Urban  
Land Ceiling, Chennai-5.

2. The District Collector, Chennai District,  
Chennai-1.

3. The Commissioner, Adi Dravida &  
Tribal Welfare, 1<sup>st</sup> Floor,  
Singaravelar Maaligai, Chennai-1.

4. M.S.Govindaraj

....Respondents

Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a writ of mandamus, directing the 1<sup>st</sup> Respondent herein to consider and pass orders on petitioner's appeal dated 19.04.2012 in accordance with law within stipulated time.

For Petitioner : Mr. Husain Mohamed Jinnah  
For Respondents 1 to 3 : Mr. A.Zakir Hussain, GA  
For Respondent-4 : Mr. T.Thiyagarajan

ORDER

The District Collector of Chennai in proceedings No. J5/39667/08, dated 29.11.2011, passed an order, stating that as per the revenue records and as per the Town Survey Land Register, the land in question is classified as 'ryotwari manai', and as such, the ownership of Mr.M.S.Govindaraj in respect of the said property was established and accordingly, refused to remove the encroachment as sought for by the writ petitioner.

2. Challenging the above said order dated 29.11.2011, earlier, a writ petition was filed in W.P.No.3881 of 2012, which was disposed of by this Court on 22.2.2012 as under:-

"As against the order impugned in this writ petition, appeal remedy is provided to the Commissioner of Land Administration. The petitioner, without exhausting the alternative remedy available to him, has straightaway approached this Court and filed the present writ petition, which cannot be maintained. Hence the writ petition stands dismissed."

3. Pursuant to the above order of this Court, the writ petitioner preferred an appeal before the Commissioner of Land Administration on 19.4.2012. On receipt of the said appeal, the Commissioner of Land Administration issued a memo on 07.3.2013, taking the appeal on file and the request for stay was rejected.

4. Learned counsel appearing for the petitioner states that the appeal is still pending despite the fact that there are encroachments by the fourth respondent in the land in question.

5. The writ petitioner preferred an appeal before the first respondent on 19.4.2012 in time. Hence, the first respondent is duty bound to dispose of the same in accordance with law and by providing opportunity to the respective parties.

6. At this juncture, the learned counsel for the petitioner, represented that hearing were completed and the respective parties also had completed their final arguments.

7. Under these circumstances, this Court is of the opinion that it is suffice to direct the first respondent to pass final orders on the statutory appeal filed by the writ petitioner on 19.4.2012 within a stipulated time.

8. Accordingly, without going into the merits and demerits of the case, the writ petition is disposed of with a direction to the first respondent to consider the appeal filed by the petitioner dated 19.4.2012 on merits and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of the copy of this order and communicate the same to the parties concerned. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-  
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Principal Commissioner and Secretary, Land Reforms and Urban Land Ceiling, Chennai-5.
2. The District Collector, Chennai District, Chennai-1.
3. The Commissioner, Adi Dravida and Tribal Welfare, 1<sup>st</sup> Floor, Singaravelar Maaligai, Chennai-1.

+1cc to M/S. T. Thiyagarajan, Advocate Sr. 25855

+1cc to Mr.A.Damodaran, Advocate Sr. 25181 (21.06.2017)

W.P. No.29626 of 2013

SAI (CO)  
VR(9/5/2017)



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