



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.07.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.12314 of 2017
and
W.M.P. (MD) .No.9482 of 2017

R.Seetha Lakshmi

.. Petitioner

Vs.

1. The State of Tamil Nadu,
Rep by its Secretary to Government,
Revenue Department, Secretariat,
Chennai 9.
2. The District Collector,
Pudukkottai District, Pudukkottai.
3. The Tahsildar,
Office of the Tahsildar,
Aavudaiyar Kovil, Pudukkottai.
4. The Commissioner,
Panchayat Union, Arimalam,
Pudukkottai District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to forbear the third respondent from demolishing the petitioner's house by implementing the order of the second respondent, in his proceedings in ந.க.4106/2016/21, dated 17.06.2017, pending disposal of the appeal filed before the second respondent.

For petitioner : Mr.M.Ajmal Khan
Senior Counsel
For M/s.Ajmal Associates
For respondents 1to3 : Mr.M.Govindan
Special Government Pleader
For Respondent No.4 : Mr.S.Chandrasekar
Government Advocate

**O R D E R****[Order of the Court was made by K.K.SASIDHARAN, J.]**

By consent, the Writ Petition is taken up for final disposal during the time of admission.

WEB COPY

2.The petitioner filed a Statutory Revision under Section 10 (A) of the Tamil Nadu Land Encroachment Act, 1905, before the Government, challenging the order passed by the District Collector, Pudukkottai, dated 17.06.2017, rejecting the statutory appeal filed against the order, directing eviction of the petitioner from the premises, comprised in Survey No.165/15, Empal Village, Avudaiyar Kovil Taluk, Pudukkottai District.

3.It is the grievance of the petitioner that notwithstanding the initiation of Statutory Revision along with a Stay Petition, follow up action was not taken. The petitioner is, therefore, before this Court.

4. The learned Senior Counsel appearing on behalf of the petitioner contended that the Statutory Revision preferred by the petitioner is now pending before the Government. Since the Stay Petition has not been taken up for consideration, the third respondent is threatening to evict the petitioner from the premises in question.

5. Mr.M.Govindan, learned Special Government Pleader appearing on behalf of the respondents 1 to 3, submitted that the Government is now seized of the matter.

6. We direct the first respondent to consider and dispose of Statutory Appeal filed by the petitioner dated 23.06.2017, challenging the order dated 17.06.2017, on the file of the District Collector, Pudukkottai, as expeditiously as possible and in any case, within a period of six months from the date of receipt of a copy of this order. Status-quo as-on-date shall be maintained till the disposal of the Statutory Revision by the Government. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar



To:

1. The Secretary to Government,
Revenue Department, Secretariat,
Chennai 9.
2. The District Collector,
Pudukkottai District, Pudukkottai.
3. The Tahsildar,
Office of the Tahsildar,
Aavudaiyar Kovil, Pudukkottai.
4. The Commissioner,
Panchayat Union, Arimalam,
Pudukkottai District.

+ 1 CC TO M/s.AJMAL ASSOCIATES, ADVOCATE IN SR No. 63270
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 63512

NB

TE/JC/SAR-II : 14/07/2017 : 3P/7C

ORDER MADE IN
W.P. (MD) No. 12314 of 2017 and
W.M.P. (MD) No. 9482 of 2017
03.07.2017