

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.VENUGOPAL
AND
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.7297 of 2018
and
W.M.P.No.9070 of 2018

1. M.Krishnan
2. K.Harikumar
3. K.Prabhakaran ... Petitioners

Vs.

1. Commissioner of Land Administration,
Ezhilagam,
Chennai-600 005.
2. The District Collector,
Tiruvallur District,
Tiruvallur.
3. The Tahsildar,
Poonamallee Taluk,
Poonamallee,
Chennai-56. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the first respondent to take up the petitioner's petition for interim stay dated 23.03.2018 forthwith filed in Revision Petition dated 23.03.2018 against the order dated 16.03.2018 in Na.Ka.No.29122/2017/N1 passed by the second respondent herein and to pass orders on the interim stay petition within a reasonable time to be fixed by this Court without disturbing the petitioner's peaceful possession and enjoyment over their properties.

For petitioner : Mr.R.Neelakandan

For respondents: Mr.R.Udayakumar, Addl.G.P.

ORDER

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

The petitioner has come forward with the above Writ Petition praying for issuance of a Writ of Mandamus to direct the first respondent to take up the petitioner's petition for interim stay dated 23.03.2018 forthwith filed in Revision Petition dated 23.03.2018 against the order dated 16.03.2018 in Na.Ka.No.29122/2017/N1 passed by the second respondent herein and to pass orders on the interim stay petition within a reasonable time to be fixed by this Court without disturbing the petitioner's peaceful possession and enjoyment over their properties.

2. It is represented on behalf of the respondents 1 to 3 that the petitioners should have filed the said Revision Petition only before the Government and not before the first respondent/Commissioner of Land Administration. The latter authority is not the appropriate authority enabling the petitioners to seek necessary relief which they desire/ask for.

3. In view of the foregoing, the present Writ Petition is disposed of, granting liberty to the petitioners to get back the Revision Petition filed by them before the wrong authority, namely before the first respondent and withdraw the same from the first respondent and submit/present the same before the Government, which is the competent authority to deal with the Revision Petition against the order passed by the District Collector.

4. If such Revision Petition(s) is/are filed by the petitioners before the Government/competent authority and the same are taken on file, the competent authority/Government shall pass necessary orders in those Revision Petition(s) after adhering to the principles mentioned in the provisions of the Tamil Nadu Land Encroachment Act, 1905. It is open for the Government/concerned authority to provide adequate opportunity of hearing to the petitioners and it is also open for the authority to hear the petitioners, complainant, if any and others, after serving notice on them. Liberty is granted to the petitioners to raise all factual and legal pleas before the Government/competent authority and it is also open for the petitioners to seek necessary interim relief pending the Revision Petition(s) before the Government/competent authority of the Government, who shall dispose of the said interim application(s) if any filed by the petitioners along with those Revision Petitions.

5. With the above observations and directions, this Writ Petition is disposed of. No costs. Consequently, W.M.P. is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

CS

To

1.The Commissioner of Land Administration,
Ezhilagam,
Chennai-600 005.

2. The District Collector,
Tiruvallur District,
Tiruvallur.

3. The Tahsildar,
Poonamallee Taluk,
Poonamallee,
Chennai-56.

+1cc to Mr.R.Neelakandan, Advocate, S.R.No.23615

+1cc to the Government Pleader, S.R.No.24289

W.P.No.7297 of 2018

RR(CO)

RRK(15/05/2018)

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