

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2018
CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P.No.7693 of 2018
and WMP.No.9599 of 2018

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

Vs.

1.Government of Tamil Nadu,
Rep. By the Principal
Secretary to Government,
Revenue Department,
Secretariat, Chennai-9.
2.The District Collector,
Tiruvallur District,
Tiruvallur.
3.The Tahsildar,
Poonamallee Taluk,
Poonamallee,
Chennai-56. ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to take up the petitioner's petition for interim stay dated 28.03.2018 forthwith filed in Revision Petition dated 28.03.2018 against the order dated 16.03.2018 in Na.Ka.No.29122/2017/N1 passed by the 2nd 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 this properties.

For Petitioners: Mr.R.Neelakandan

For Respondents: Mr.A.N.Thambidurai,
Special Government Pleader

O R D E R

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

By consent, this writ petition is taken up for final disposal.

2. Facts leading to the present round of litigation have been narrated in detail and in extenso in the earlier order dated 13.11.2017 made in W.P.No.29051 of 2017 and therefore, it is unnecessary to restate the facts once again.

3. The petitioners claim that they are the absolute owners of the properties having total extent of 512 Sq.Mtrs, comprised in S.Nos.246/2, 245/3, 246/4 in Kattupakkam Village, Poonamallee Taluk, Tiruvallur District and vide above cited order dated 13.11.2017 made in W.P.No.29051 of 2017, the appeal filed by the petitioners challenging the initiation of proceedings under the Tamil Nadu Land Encroachment Act, 1905, was directed to be considered and disposed of at an early date. Accordingly, the second respondent, vide order dated 16.03.2018, has rejected the said appeal and challenging the same, the petitioners filed a revision petition before the first respondent dated 28.03.2018, along with a petition for stay and it was sent through registered post on 30.03.2018.

4. The learned counsel appearing for the petitioners would submit that despite the said fact having been made known to the third respondent, he is taking emergent steps to evict/dispossess the petitioners from the lands/superstructures in question and therefore, they are constrained to approach this Court by filing this writ petition.

5. Heard the submissions of Mr.A.N.Thambidurai, learned Special Government Pleader, who accepts notice on behalf of the respondents.

6. This Court, taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioners either in the revision petition or in this writ petition, directs the first respondent or his delegated official to entertain the revision, if the papers are otherwise in order and shall take up the stay petition initially and give disposal within a period of three weeks from the date of receipt of a copy of this order and till such time, the third respondent shall defer further decision to dispossess the petitioners from the lands/superstructures in question. The first respondent or his delegated official is also at liberty to take up the main revision itself and give disposal on merits and in accordance with law within a period of ten weeks from the date of entertainment of the revision. It is made clear that

till the disposal of the revision petition by the first respondent, the petitioners shall not create any third party rights in respect of the lands/superstructures in question and shall not it's physical features also.

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

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

jvm

To

- 1.The Principal Secretary to Government,
Government of Tamil Nadu,
Revenue Department,
Secretariat, Chennai-9.
- 2.The District Collector,
Tiruvallur District, Tiruvallur.
- 3.The Tahsildar,
Poonamallee Taluk,
Poonamallee,
Chennai-56.

+ 1 cc to Government Pleader Sr.24609
+ 2 ccs to Mr.R. Neela Kandan, Advocate Sr.24251

W.P.No.7693 of 2018

SJ(CO)
EU(24/04/2018)

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