

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2018

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

WP.No.12257 of 2018
and WMP.Nos.14313 & 14314 of 2018

Mrs.M.Mala

...Petitioner

Vs.

1.The District Collector,
Thiruvallur District,
Thiruvallur.

2.The Tahsildar,
Ambattur Taluk Office,
Ambattur,
Chennai-600 058.

3.Mr.Dilli Babu

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records in respect of the order No.Na.Ka.No.20877/2015/AU. Dated 08.05.2017 and also subsequent order in Na.Ka.No.29119/2006/AU.1 dated 23.06.2017 issued by the 1st respondent,quash the same and direct the 1st and 2nd respondents not to demolish the further of the petitioner's dwelling house at No.8-A, Ayappakkam Main Road, M.G.R.Puram, Ayappakkam, Chennai-58 using Police Force and heavy Machineries, until further orders of this Court.

For Petitioners : Mr.A.M.Ayyadurai
For Respondents : Mr.R.Udhaya kumar,
Additional Government Pleader

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.,]

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

2. Grievance expressed by the petitioner is that despite the pendency of the statutory appeal before the Government, a portion of the premises in occupation of the petitioner has been demolished and prays for appropriate orders.

3. Per Contra, Mr.R.Udhaya Kumar, learned Additional Government Pleader appearing for the respondents 1 and 2 has drawn the attention of this Court to the final order dated 03.07.2017 made in W.P.No.16243 of 2017 and would submit that as per the said order, the petitioner was granted opportunity to avail alternative remedy under Section 10-A of the Tamil Nadu Land Encroachment Act, 1905 and though the petitioner has availed the said remedy, she has not filed any petition for stay and in the absence of stay order, the concerned official respondent has proceeded with and partially demolish the superstructure put up by the petitioner on the encroached land.

4. This Court has considered the rival submission and also perused the materials placed before it.

5. This Court, taking into consideration of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, is of the view that it is suffice to direct the Secretary to Government, Revenue Department to consider and dispose of the revision on merits and in accordance with law within a stipulated time. Therefore, this Courts directs the Secretary, Revenue Department, Government of Tamil Nadu, Chennai, to entertain the revision filed by the petitioner on 07.08.2017, if the papers are otherwise in order and pass appropriate orders on merits and in accordance with law within a period of eight weeks from the date of receipt of copy of this order and communicate the decision taken, to the petitioner and till such time, the status quo with regard to the partial demolition of the building has to be maintained. It is also made clear that till the disposal of the appeal, the petitioner shall not create any third party rights in respect of the site and superstructure in question and shall not alter the physical features also.

6. With the above direction, this writ petition stands disposed of. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-vi)

//True Copy//

Sub Assistant Registrar

sk

To

1.The District Collector,
Thiruvallur District,
Thiruvallur.

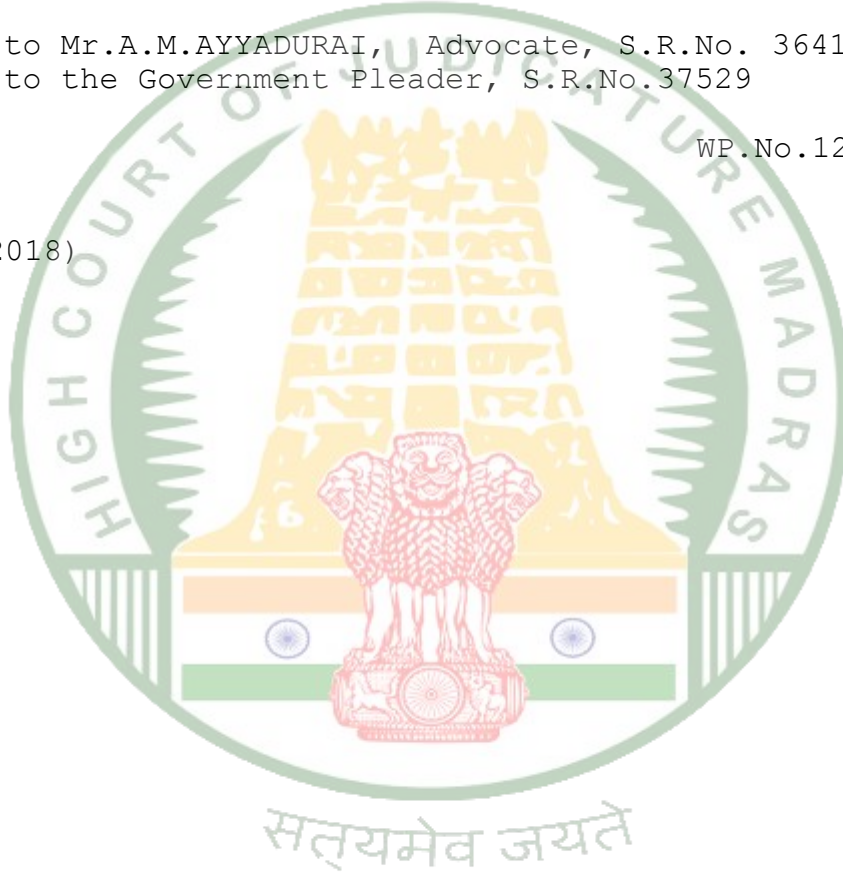
2.The Tahsildar,
Ambattur Taluk Office,
Ambattur,
Chennai-600 058.

+1cc to Mr.A.M.AYYADURAI, Advocate, S.R.No. 36410

+1cc to the Government Pleader, S.R.No.37529

WP.No.12257 of 2018

MR (CO)
TR(27/06/2018)



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