



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 03.08.2018**

**CORAM:**

**THE HONOURABLE MR.JUSTICE M.DURAI SWAMY**

**AND**

**THE HONOURABLE DR.JUSTICE ANITA SUMANTH**

**W.P (MD) No.17434 of 2018**

**and**

**W.M.P (MD) Nos.15334 & 15335 of 2018**

Elizabeth Basker

... Petitioner

Vs.

1. The Secretary,  
Revenue Department,  
Government of Tamil Nadu,  
St. George Fort,  
Chennai.

2. The Commissioner of Land Administration,  
Revenue Department,  
Chepauk,  
Chennai.

3. The District Collector,  
Collectorate Campus,  
Kanyakumari District,  
Nagercoil.

4. The Tahsildar,  
Tahsildar Office,  
Agasteeswaram Taluk,  
Kanyakumari District.

5. The Zonal Deputy Tahsildar,  
Agasteeswaram Taluk,  
Nagercoil,  
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the fourth respondent herein in his proceedings in Na.Ka.Aa1/14017/2017 dated 03.07.2018 received by the petitioner on 10.07.2018 and quash the same as illegal and pass further direction directing the third respondent herein not to dispossess the writ petitioner till the final disposal of the Revision petition dated 04.07.2018 filed under Section 10 (A) and 10(B) of the Tamil Nadu Land Encroachment Act 1905, pending before the second respondent herein.



For Petitioner

: Mr.V.Meenakshi Sundaram  
for Mr.R.Murugan

For Respondents

: Mr.R.Murugan,  
Additional Government Pleader.

WEB COPY

**ORDER**(Order of the Court was made by **M.DURAISWAMY, J.**)

The petitioner has filed the above writ petition to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order passed by the fourth respondent dated 03.07.2018 received by the petitioner on 10.07.2018 and to quash the same and directing the third respondent not to dispossess the writ petitioner till the final disposal of the revision petition dated 04.07.2018 filed under Section 10 (A) and 10(B) of the Tamil Nadu Land Encroachment Act 1905, pending before the second respondent.

2. Mr.R.Murugan, learned Additional Government Pleader takes notice for the respondents.

3. It is the case of the petitioner that challenging the order passed by the third respondent, she has filed a revision before the second respondent along with stay petition. However, the second respondent has not passed any order in the stay petition sofar. In the meantime, the fourth respondent passed the impugned order for the removal of encroachment.

4. When the revision as well as stay petitions are pending before the second respondent, we are of the view that the second respondent can be directed to dispose of the stay petition within a time frame and till such time, the impugned order may be stayed.

5. Accordingly, we direct the second respondent to dispose of the stay petition filed by the petitioner within a period of two weeks from the date of receipt of a copy of this order and therefore, the impugned order dated 03.07.2018 passed by the fourth respondent shall stand stayed for a period of three weeks.

6. With these observations, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(AS)

/True Copy/



To

1. The Secretary,  
Revenue Department,  
Government of Tamil Nadu,  
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Chennai.
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5. The Zonal Deputy Tahsildar,  
Agasteeswaram Taluk,  
Nagercoil,  
Kanyakumari District.

+1cc to Mr.R.Murugan, Advocate Sr.No.76839

PS

VB/KAK/SAR4/11.08.2018/3P/7C

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**03.08.2018**