

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2019

CORAM :

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.18168 of 2018 and

W.M.P.No.21466 of 2018

1.V.Balachandran

2.T.L.Srinivasan

.. Petitioners

Vs.

1.The Government of Tamil Nadu,
rep by its Secretary,
Land Administration Department,
Fort St.George, Chennai - 600 009.

2.The District Collector,
Kancheepuram District,
Vandavasi Road,
Kancheepuram - 631 001.

3.The Tahsildar,
Alandur Taluk,
Nanganallur, Chennai - 600 061.

4.The Tahsildar,
Pallavaram Taluk,
Kancheepuram District,
Chennai - 600 043.

5.The Executive Officer,
Thiruneermalai Town Panchayat,
Kancheepuram District, Chennai - 600 044.

6.The Evangelical Church of India,
rep by its Pastor Peter Prabhakaran
Green Hills (Pachai Malai) Government Land,
Phase - V, Tambaram Sanatorium,
Chennai - 600 047.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of mandamus directing the respondents 1 to 5 to evict the 6th respondent encroacher from the Government Land in S.Nos.401 & 402, Pachai Malai (Green

Hills), TNHB Quarters, Phase - V, Tamabaram Sanatorium, Chennai -600 047 previously Alandur Taluk, now Pallavaram Taluk, Kancheepuram District by implementing the order passed by the 2nd respondent in his proceedings Na.Ka.No.40759/10/N-I dated 06.09.2012 confirming the order of the 3rd respondent dated 14.11.2012.

For Petitioners : Mr.V.Chandrankanthan

For Respondents : Mr.V.Jayaprakash Narayanan,
Government Pleader (i/c) (R1 to R5)

Mr.S.Thankasivan (R6)

O R D E R

(ORDER OF THE COURT WAS MADE BY M.DURAISWAMY, J.)

The petitioners have filed the above Writ Petition as a Public Interest Litigation to issue a Writ of mandamus directing the respondents 1 to 5 to evict the 6th respondent from the Government Land in S.Nos.401 & 402, Pachai Malai (Green Hills), TNHB Quarters, Phase - V, Tamabaram Sanatorium, Chennai - 47 previously Alandur Taluk, now Pallavaram Taluk, Kancheepuram District by implementing the order passed by the 2nd respondent in his proceedings dated 06.09.2012 confirming the order of the 3rd respondent dated 14.11.2012.

2.When the Writ Petition is taken up for hearing, the learned counsel on either side submitted that as against the order dated 14.11.2012 passed by the 2nd respondent, confirming the order dated 03.11.2010 passed by the 3rd respondent under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, the 6th respondent has filed a revision before the Secretary to the Government, Revenue Department under Section 10-A(1)(c) of the Tamil Nadu Land Encroachment Act. The learned counsel appearing for the 6th respondent submitted that the 6th respondent has filed the revision on 13.08.2018 challenging the order dated 14.11.2012 passed by the 2nd respondent.

3.Since the revision is pending before the Revisional Authority, the direction sought for in the Writ Petition cannot be entertained for the present.

4.However, the learned counsel on either side submitted that the Revisional Authority may be directed to dispose of the revision within a period of six weeks time.

5. In view of the submission made by the learned counsel on either side, we direct the Revisional Authority to dispose of the revision filed by the 6th respondent challenging the order dated 14.11.2012 passed by the 2nd respondent, confirming the order dated 03.11.2010 passed by the 3rd respondent, on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order. After the disposal of the revision, the authorities shall proceed further in accordance with law.

6. With these observations, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Government of Tamil Nadu,
Land Administration Department,
Fort St. George, Chennai - 600 009.
2. The District Collector,
Kancheepuram District,
Vandavasi Road, Kancheepuram - 631 001.
3. The Tahsildar,
Alandur Taluk, Nanganallur, Chennai - 600 061.
4. The Tahsildar,
Pallavaram Taluk,
Kancheepuram District,
Chennai - 600 043.
5. The Executive Officer,
Thiruneermalai Town Panchayat,
Kancheepuram District, Chennai - 600 044.

+1cc to Mr.V.Chandrakanthan, Advocate, S.R.No.49941
+1cc to the Government Pleader, S.R.No.50587

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KS(CO)
CS/21/06/2019