

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.08.2019

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.21844 of 2019

B.Dillibabu

.. Petitioner

Vs.

1.The Secretary,
Revenue Department,
Government of Tamil Nadu,
Fort St. George, Chennai - 600 009.

2.The District Collector,
Office of District Collector,
Thiruvallur District.

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

4.K.Mala

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of mandamus directing the respondents 1 to 3 to dispose of the representation dated 18.01.2019 submitted by the petitioner to remove the encroachment in the land adjoining the Plot No.3 & 4 in S.Nos.579/1 and 579/2, MGR Nagar, Ayyapakkam, Ambattur and restore access to petitioner's land.

For Petitioner : Mr.N.Alagu Narayanan
for M/s.RRN Legal

For Respondents: Mr.V.Jayaprakash Narayanan,
Government Pleader (i/c) (R1 to R3)

O R D E R
(ORDER OF THE COURT WAS MADE BY M.DURAI SWAMY, J.)

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus directing the respondents 1 to 3 to dispose of the representation dated 18.01.2019 submitted by the petitioner to remove the encroachment in the land adjoining the Plot No.3 & 4 in S.Nos.579/1 and 579/2, MGR Nagar, Ayyapakkam, Ambattur and restore access to petitioner's land.

2.The petitioner contended that the 4th respondent had encroached the land in dispute and that the respondents 1 to 3 should take steps to remove the encroachment.

3.The learned Government Pleader (i/c) appearing for the respondents 1 to 3 submitted that the 4th respondent, the alleged encroacher, has filed a revision before the 1st respondent as against the order passed by the 2nd respondent dated 08.05.2017 and the said revision is pending along with the stay petition.

4.The 4th respondent filed an appeal under Section 10 of the Tamil Nadu Land Encroachment Act, 1905, as against the notice issued under Section 6 of the Act. The 2nd respondent, by order dated 23.06.2017, dismissed the appeal filed by the 4th respondent, as against the same, the 4th respondent preferred a revision under Section 10-A of the Act before the Commissioner of Land Administration, Chennai. However, the Commissioner of Land Administration, by order dated 17.08.2017, returned the revision stating that the revision should be filed only before the Secretary, Revenue Department. In view of the order passed by the Commissioner of Land Administration, the 4th respondent presented the revision before the 1st respondent, the Secretary, Revenue Department.

5.The learned counsel appearing for the petitioner submitted that it would suffice to direct the 1st respondent to dispose of the revision filed by the 4th respondent within a time frame.

6.The learned Government Pleader (i/c) appearing for the respondents 1 to 3 submitted that the 1st respondent may be directed to dispose of the revision within a period of eight weeks.

7.Having regard to the submissions made by the learned counsel on either side, taking into consideration the limited prayer sought for by the learned counsel for the petitioner, without expressing any opinion with regard to the merits of the case, we direct the 1st respondent to dispose of the revision filed by the 4th respondent, on merits and in accordance with

law, within a period of eight weeks from the date of receipt of a copy of the order.

8. With these observations, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Revenue Department,
Government of Tamil Nadu,
Fort St. George, Chennai - 600 009.
2. The District Collector,
Office of District Collector,
Thiruvallur District.
3. The Commissioner of Land Administration,
Ezhilagam, Chepauk, Chennai - 600 005.

+1cc to the Government Pleader, S.R.No.72688

RR(CO)
CB(25/09/2019)

W.P.No.21844 of 2019

सत्यमेव जयते

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