



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.No.3989 of 2020
and
W.M.P.No.4730 of 2020

Pon Thangavelu

... Petitioner

Vs

1.The Commissioner of Land Administration,
Secretariat, Fort St.George,
Chennai - 9.

2.The District Collector,
Collectorate, Singaravelar Maaligai,
2nd Line Beach Road,
Chennai - 1.

3.The Tahsildar,
Taluk Office, Sholinganallur,
Chennai & Dist.

4.The Assistant Commissioner,
Zone - 15 of the Corporation of Chennai,
Shozhinganallur,
Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, forbearing the 4th respondent from interfering the temple premises of Sri Vaiyapuri Vinayagar Idol in S.No.234 of the Injambakkam Village, Sozhinganallur Taluk and Chennai District till the dispose of the Revision Petition filed by the petitioner on 12.02.2020 under Section 10-A of the Tamil Nadu Land Encroachment Act, 1905 before the 1st respondent.

For Petitioner : Mr.P.Vijendran

For Respondents: Mr. P.S. Sivashanmuga Sundaram,
Special Government Pleader for R1 to R3.

Mr.K.Rajasrinivas, Standing Counsel for R4



O R D E R
(Order of the court was made by N.KIRUBAKARAN.J.,)

It is seen from the records that the petitioner is said to have encroached upon the Government property and put up a temple called Sri Vaiyapuri Vinayagar temple. Hence, the third respondent had issued notice under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 on 19.12.2018. Aggrieved over the same, the petitioner has filed an appeal under Section 10 of Tamil Nadu Land Encroachment Act, 1905 and the same was dismissed. Therefore, the petitioner has filed a revision under Section 10-A of the said Act before the respondents on 12.02.2020. In the meanwhile, the respondents are trying to demolish the temple and therefore, the petitioner is before this Court.

2.Heard Mr.P.Vijendran, learned Counsel for the petitioner and Mr.P.S.Sivashanmuga Sundaram, learned Special Government Pleader for the respondents 1 to 3 and Mr.K.Rajasrinivas, learned Standing Counsel for the fourth respondent.

3.It is submitted by both the parties that revision is pending before the respondents under Section 10-A of the Land Encroachment Act. When such is the position, till the disposal of the revision, the respondents cannot either demolish or disturb the possession of the petitioner. Hence, there is a direction to the respondents not to disturb or interfere with the peaceful possession of the petitioner till the disposal of the revision and the copy of the order is served upon the petitioner.

4.With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner of Land Administration,
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Chennai - 9.

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4.The Assistant Commissioner,
Zone - 15 of the Corporation of Chennai,
Shozhinganallur,
Chennai.

+1cc to Mr.K.Raja Srinivas, Advocate, S.R.No. 24178

+1cc to the Government Pleader, S.R.No. 24114

W.P.No.3989 of 2020

and

W.M.P.No.4730 of 2020

NMI (CO)
GN(15/07/2020)