



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MRS.JUSTICE R.HEMALATHA

W.P.No.9205 of 2020
& WMP Nos.11228 & 11229 of 2020

1.Dawlath Begam
2.Mahboob Basha
3.Habisa be
4.Hayath Basha
5.Noorjhan
6.Thiruvalar Samadhis
Qalandariya Trust,
Rep., by A.Aslam Basha,
The founder and the President
No.1-A, Alandur Road, Arulayampet,
Guindy, Chennai-600 032.

... Petitioner

Vs.

1.State of Tamil Nadu,
Rep., by the Principal Secretary to Government
Revenue & Disaster Management Department
Secretariat, St. George Fort, Chennai-9.
2.The District Collector,
Chennai District, Chennai-1.
3.The Tahsildar,
Guindy Taluk, Chennai-600 032.
4.The Director,
King Institute, Chennai-600 032.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the 1st respondent to hear the interim stay petition filed along with the Appeal dated 10.06.2020 challenging the order dated 30.05.2020 vide Procs. No.J5/10231/2017-1 passed by the 2nd respondent within a time frame.



For Petitioner .. Mrs.Chitra Sampath, S.C., for
Mr.T.S.Baskaran
For Respondents .. Mr.V.Jayaprakash Narayanan,
Government Pleader for R1 to R3

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COMMON ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

The petitioner has filed a revision petition before the 1st respondent challenging the order passed by the 2nd respondent under the Tamil Nadu Land Encroachment Act, 1905. Pending disposal of the revision petition, the petitioner has also filed an application seeking for the grant of stay till the disposal of the revision petition. While so, the petitioner has come up with the present writ petition seeking mandamus, directing the 1st respondent to hear the interim stay petition filed along with the Appeal dated 10.06.2020.

2. On perusal of the records, it appears that the 2nd respondent has passed an order on 30.05.2020 which is sought to revise by the petitioner by way of revision petition dated 10.06.2020 and the same is still pending consideration with the 1st respondent.

3. Admittedly, the petitioner is in possession and enjoyment of the property. The question as to whether the petitioner is entitled to stay in the said place from which he is sought to be evicted or not has to be decided finally in the revision petition filed. The revision petition is also statutory in nature. Therefore, in all fairness status quo with respect to the property which is the subject matter in the revision petition as on today has to be maintained.

4. Thus, without going into the issue on merit and also the disputed question of fact regarding possession, while ordering an order of status quo as on today in so far as the property, which is the subject matter in the revision petition, we direct the 1st respondent to dispose of the revision petition dated 10.06.2020 within a period of six weeks from the date of receipt of a copy of this order.

5. The writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

raa/kmk



To

- 1.The Principal Secretary to Government,
State of Tamil Nadu,
Revenue & Disaster Management Department
Secretariat, St. George Fort, Chennai-9.
- 2.The District Collector,
Chennai District, Chennai-1.
- 3.The Tahsildar,
Guindy Taluk, Chennai-600 032.

W.P.No.9205 of 2020

MG(CO)
GS(16/09/2020)