

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.12.2020

CORAM

THE HON'BLE MR.JUSTICE R. MAHADEVAN
and
The HON'BLE DR JUSTICE ANITA SUMANTH

W.P.No.20271 of 2020
and
W.M.P.No.25063 of 2020

P.Arumugam

.. Petitioner

Vs..

1. The Secretary,
Revenue and Disaster Management Department,
Land disposal Wing,
LD 6 (2) section,
Secretariat, Chennai - 600 009.
2. The Deputy Secretary,
Revenue and Disaster Management Department,
Land disposal Wing,
LD 6(2) section,
Secretariat, Chennai -600 009.
3. The District Collector,
Salem, Salem District.
4. The Tasildhar,
Mettur Taluk, Salem District.
5. The Revenue Inspector,
Mettur, Salem District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to dispose of the petitioner's revision petition dated 07.08.2019 pending on the file of the 2nd respondent forthwith.

For Petitioner :Mr.R.Rajarajan

For R1 to R5 :Mr.Jayaprakash Narayanan, GP

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O R D E R
(Order of the Court was made by R. MAHADEVAN, J.)

By consent of both the parties, the writ petition is taken up for final disposal at the admission stage itself.

2. Seeking a direction to the respondents 1 and 2 to dispose of the revision petition dated 07.08.2019 filed by the petitioner, the present writ petition has been filed before this Court.

3. The case of the petitioner is that the property admesuring 1.65 acres comprised in New Town Survey No.7/74 and Old Town Survey No.7/1, Block No.9, Ward B, Mettur Town, Salem District, is classified as Natham land. The Tamil Nadu Housing Board with an intention to grab the said property, filed a suit in O.S.No.84/2000 on the file of District Munsif Court, Mettur, for permanent injunction and recovery of possession, which was dismissed in favour of the petitioner, vide judgment dated 07.07.2005. Aggrieved over the same, the Tamil Nadu Housing Board went on appeal in A.S.No.6/2007, which was also dismissed on 20.02.2007. Thereafter, the petitioner made a representation on 08.12.2008 to the respondent authorities for grant of patta in his favour in respect of the subject property. While so, the fourth respondent issued a notice under Section 7 of the Land Encroachment Act, 1905 on 22.02.2017, which was followed by Section 6 notice dated 16.10.2017. Challenging the said notices, the petitioner preferred an appeal, which was dismissed by the third respondent, vide order dated 09.11.2018. Subsequently, pursuant to the direction issued by this Court in WP.No.8162/2019, the petitioner filed a revision petition on 07.08.2019 before the second respondent. After hearing the petitioner, the second respondent reserved the revision petition for orders. In the meanwhile, the respondents are attempting to trespass into the property with JCB and wanted to level the same in an illegal manner, which compelled the petitioner to file this writ petition for the aforesaid relief.

4. The learned counsel for the petitioner submitted that the petitioner appeared contested the revision, submitted the required documents, and the revision petition was reserved for orders by the second respondent. Taking advantage of the same, the respondents initiated action for eviction. Hence, the learned counsel prayed for appropriate direction in this writ petition.

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5.Mr.V.Jayaprakash Narayanan, learned Government Pleader, taking notice for the respondents 1 to 5, has refuted the submission so made by the learned counsel for the petitioner. However, he submitted that the respondent authorities would consider the revision petition said to have been filed by the petitioner and pass appropriate orders on merits, within a time frame to be stipulated by this Court.

6.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the respondent authorities to dispose of the revision petition dated 07.08.2019, filed by the petitioner, on merits and in accordance with law, within a period of three months from the date of receipt of the copy of this order. Till such time, the parties shall maintain status quo as on today.

7.Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
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Land disposal Wing,
LD 6 (2) section,
Secretariat, Chennai - 600 009.
2. The Deputy Secretary,
Revenue and Disaster Management Department,
Land disposal Wing,
LD 6(2) section, Secretariat, Chennai -600 009.
3. The District Collector,
Salem, Salem District.
4. The Tasildhar,
Mettur Taluk, Salem District.
5. The Revenue Inspector,
Mettur, Salem District.

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+1cc to Mr.R.Rajarajan, Advocate SR.43190
+1cc to the Government Pleader SR.51

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GMR (CO)
CB(01/02/2021)



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