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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

and

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

W.P. (MD)No.13695 of 2021

and

W.M.P. (MD)Nos.10638, 10639, 10642 and 10643 of 2021

The Divisional Engineer/Central,
Southern Railway,
Tiruchirapalli Division,
Trichy.

... Petitioner

Vs.

1.The District Collector,
Collector Office, Trichy.

2.The Tahsildar,
Trichy East,
Trichy.

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

4.The Commissioner of Land Survey and Settlement,
Survey House,
Chepauk,
Chennai-600 005.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the impugned proceedings of the second respondent in Na.Ka.Aa1/016/2021, dated 24.06.2021 and quash the same as illegal in respect of the lands in Trichy District, Trichy East Taluk, Kottapattu Village, Old S.No.2/1 and 2/2, New Ward AE-Block 20 measuring 24.25.0 Hectares and mutate the revenue records back in the name of the railways if mutated by the respondents 1 and 2.

For Petitioner : Mr.S.Manohar

For Respondents : Mr.B.Saravanan
Government Advocate



ORDER

(Order of the Court was made by **N.KIRUBAKARAN, J.**)

The writ petition has been filed by the Railways, challenging the order passed by the second respondent, by which, the buildings and other structures, which have been constructed by the Railways in new Ward AE, Block-20, Town Survey No.2/1 and 2/2, of Kottapattu Village, Trichy East, Trichy District, to an extent of 24.25.0 Hectares of land, have been classified as Tamil Nadu Government land, by virtue of an order dated 16.02.2021.

2. The Railways are in possession of the lands to an extent of 570.26 acres for its workshop and for other allied purposes, for more than one century. All the revenue records are standing in the name of Railways. When things stand so, one S.I.Basheer Ahamed claimed 22.30 acres of land in Kottapattu Village, Trichy District alleging that he is in possession of the said property. The said claim was rejected by order dated 16.02.2021. While deciding the claim of the said Basheer Ahamed, incidentally the fourth respondent declared the said land as Tamil Nadu Government land. Thereafter, by virtue of the impugned order, the fourth respondent directed the petitioner to remove the superstructures from the said land, which is measuring about 24.25.0 hectares.

3. Mr.S.Manohar, learned Counsel for the petitioner submitted that the Railway is in possession of the land for more than one century and it is used for the railway purpose only. When things stand so, the fourth respondent classified the lands as Tamil Nadu Government land. Against the said order dated 16.02.2021, the petitioner already filed an appeal before the third respondent on 12.04.2021. Even before the appeal could be numbered, the impugned order has been passed, directing the petitioner to remove the superstructures. If such order is given to effect, the very purpose of filing an appeal will be lost.

4. Heard Mr.B.Saravanan, learned Government Advocate, who takes notice for the respondents and perused the materials placed on record.

5. Taking into consideration the fact that an adverse order has been passed against the petitioner, by order dated 16.02.2021 by the fourth respondent and an appeal has already been filed by the petitioner against the said order, it is appropriate to issue appropriate direction to the third respondent. Accordingly, the third respondent is directed to number the appeal and hear the petitioner, within a period of four weeks from the date of receipt of a copy of this order, with regard to granting of interim order. Till such time, the impugned order shall not be enforced.



6. With the above observations, the Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (Crl side)

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/ /2021

Sub Assistant Registrar(CS)

SSL

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1.The District Collector,
Collector Office, Trichy.

2.The Tahsildar,
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Trichy.

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

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+1 CC to M/s.GP (SR-25874[F] dated 11/08/2021)

+1 CC to M/s.S.MANO HAR, Advocate (SR-25932[F] dated 11/08/2021)

W.P. (MD)No.13695 of 2021
10.08.2021

RK (17.08.2021) 3P 7C