



WP No.17243 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

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BSCPL Infrastructure Limited
(Project Name. Bollineni Hill Side and Co Ltd)
Rep by its Authorised Signatory S.Ganesh
Nookampalayam, Perumbakkam,
Sithalapakkam Link Road
Chennai 600126

... Petitioner

versus

- 1.State of Tamil Nadu
Rep by the Secretary to Government
Revenue Department,
Fort St. George, Chennai- 09.
- 2.The Commissioner,
Land Administration
Chepauk, Chennai- 600 005.
- 3.The District Collector,
Chengalpet District
- 4.The Tasildhar
Tambaram, Chengalpet District.
- 5.The Revenue Inspector
Medavakkam (Sub Circle) Tambaram
Chengalpet District.



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6.The Chennai Metropolitan Development Authority
Thalamuthu - Natarajan Malligai
No.1 Gandhi Irwin Road, Egmore,
Chennai- 600 008.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records of the third Respondent in Na.Ka.No.15370/2022/Aa3 dated 19.5.2023 and quash the same and forbear Respondents 1 to 5 not to interfere with the peaceful and enjoyment of their land in S.No.416/1 in Perumbakkam Village, Tambaram Circle, Chengalpet District.

For the Petitioner : Mr.R.Singaravelan,
Senior Counsel,
for Mr.M.Baskar

For the Respondents : Mr.P.Muthukumar,
State Government Pleader,
Assisted by Mr.K.M.D.Muhilan,
Additional Government Pleader
for respondents 1 to 5

Mr.R.Sivakumar,
for the sixth respondent

ORDER



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(Order of the Court was made by The Hon'ble Chief Justice)

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We have heard Mr.R.Singaravelan, learned Senior Counsel for the petitioner, Mr.P.Muthukumar, learned State Government Pleader, for respondents 1 to 5 and Mr.R.Sivakumar, for the sixth respondent.

2. The appeal filed by the petitioner under Section 10 of the Tamil Nadu Land Encroachment Act, 1905, has been dismissed. Learned Senior Counsel submits that the petitioner has filed a revision under Section 10-A of the Act of 1905 before the State Government. The petitioner has also filed an application for stay under Section 10-B of the Act of 1905. However, the same is not being heard and the respondent authorities are on the site for demolishing the structure.

3. The petitioner may prosecute the stay petition before the concerned authority. The concerned authority may pass orders on the stay petition/revision on its own merits, after hearing the petitioner.



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4. Mr.P.Muthukumar, learned State Government Pleader, submits that for a period of seven days from today, further action pursuant to an order under Section 6 of the Act of 1905, and confirmed under Section 10 before the appellate forum, would not be undertaken.

5. The Writ Petition is disposed of. There will be no order as to costs. Consequently, WMP Nos.16408 and 16409 of 2023 are closed.

(S.V.G., CJ.)

(P.D.A., J.)

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Index : yes/no
Neutral Citation : Yes/No
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