



Rev. Aplw. No.77 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2023

CORAM :

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

AND

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

Rev. Aplw. No.77 of 2023

and WMP Nos.17033 and 17034 of 2023

E.Sundara Murthy

.. Applicant

-VS-

1. Banu

2. The District Collector,
Thiruvannamalai.

3. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Thiruvannamalai.

4. The Tahsildar,
Chengam Taluk,
Thiruvannamalai District 606 701.

5. The Block Development Officer,
Pudhupalayam, Thiruvannamalai
District 606 705.

.. Respondents

Prayer: Review Application filed under Order 47 Rule 1 CPC read with Section 114 of CPC seeking review of the final order dated 07.06.2023 passed in W.P.No.12761 of 2023 on the file of this Court.



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For the Applicant : Mr.D.Murthy
For the Respondents : Mr.P.Muthukumar,
State Government Pleader,
Assisted by Mrs.R.Anitha,
Special Government Pleader,
for RR 2 to 5

* * * * *

ORDER

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

We have heard Mr.D.Murthy, learned counsel for the review applicant and Mr.P.Muthukumar, learned State Government Pleader, for the official respondents.

2. It is stated by the learned counsel for the review applicant that S.Banu, the first respondent herein, filed the writ petition bearing No.12761 of 2023. Though the review applicant was respondent No.5, on the first date of hearing the learned State Government Pleader made a statement that the encroachment would be removed on 16.06.2023. The fact that the petitioner has filed an appeal under Section 10 of the Land Encroachment Act, 1905, was suppressed. The review applicant also filed an application under Section 10B of the said



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Act for stay. The same is not being heard and on the basis of the statement of the learned Special Government Pleader, the respondent authorities are now trying to evict the petitioner.

3. On 07.06.2023, while disposing of W.P.No.12761 of 2023, we have not passed any orders on merit. We had only recorded the statement of the learned Special Government Pleader and disposed of the petition. We have not commented on the merits of the matter.

4. If the petitioner has filed an appeal along with an application for stay, the competent authority is required to decide the application for stay filed by the petitioner. The petitioner shall appear before the authority on 16.06.2023 (tomorrow) and argue his application for stay. The authority shall endeavour to pass an order on the stay application within seven days from today. For a period of seven days, the further action may not be taken by the Government authorities against the petitioner.

5. Needless to state, if the stay application is rejected, the respondent authorities are entitled to take further course of action in accordance with law.

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With these observations, the review application stands disposed of. There will be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(S.V.G., CJ.)

(P.D.A., J.)

15.06.2023

Index : yes/no
Neutral Citation : Yes/No
sra

To:

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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESSAVALU, J.

(sra)

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