



W.P.(MD) No.2406 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.2406 of 2023

and

W.M.P.(MD)No.2189 of 2023

Ganesan

... Petitioner

Vs.

- 1.The Commissioner of Land Administration,
Land Administration Department,
Ezhilagam, 2nd Floor,
Chepauk, Chennai – 600 005.
- 2.The District Collector,
Virudhunagar District,
Virudhunagar.
- 3.The Revenue Divisional Officer,
Aruppukkottai,
Virudhunagar District.



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4. The Tahsildar,
Thiruchuzhi,
Virudhunagr District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed in Na.Ka.No.AA1/5047/2021 dated 23.01.2023 passed by the 4th respondent and quash the same and consequently directing the 1st respondent to consider and dispose the petitioner's revision petition dated 25.01.2023.

For Petitioner : Mr.R.Murugappan

For Respondents : Mr.V.Nirmal Kumar,
Government Advocate.

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

The Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed in Na.Ka.No.AA1/5047/2021 dated 23.01.2023 passed by the 4th respondent and quash the same and consequently directing the 1st respondent to consider and dispose the petitioner's revision petition dated 25.01.2023.



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2. Heard Mr.R.Murugappan, learned counsel for the petitioner and Mr.V.Nirmal Kumar, learned Government Advocate, who takes notice for the respondents.

3. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

4. The learned counsel appearing for the petitioner submitted that as against the notice issued under Section 6 of 'the Tamil Nadu Land Encroachment Act, 1905' [hereinafter referred to as 'the Act'], the petitioner has filed an appeal on 17.06.2022, before the 1st respondent under Section 10 of the Act. The second respondent has rejected the said appeal through his proceedings in Na.Ka.No.AA1/5047/2021, dated 30.12.2022. As against the rejection order, the petitioner has filed a revision petition dated 25.01.2023, before the 1st respondent and the same is pending. In the meantime, the 4th respondent has passed the impugned eviction order. Hence, the petitioner has filed this Writ Petition.



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5. The learned Government Advocate appearing for the respondents submitted that the petitioner's revision petition dated 25.01.2023 will be considered and necessary orders will be passed in accordance with law, within a time frame.

6. In view of the above submissions, without expressing any opinion on the merits of the matter, we direct the first respondent to consider the petitioner's revision petition dated 25.01.2023 and pass orders on it on its own merits and in accordance with law, as early as possible, preferably, within a period of twelve (12) weeks from the date of receipt of a copy of this order. Till such time, the impugned order passed by the 4th respondent shall be kept in abeyance.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K., J.] [R.V., J.]
07.02.2023

NCC : Yes / No
Index : Yes / No
vsm



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