



W.P(MD)No.11429 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.05.2023

CORAM:

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.P(MD)No.11429 of 2023
and
W.M.P(MD)No.9899 of 2023**

D.Malarkodi

... Petitioner

Vs.

- 1.The Principal Secretary,
Land Administration,
Commissioner of Land Reforms,
Land Administration Office,
2nd Floor,
Ezhilalagam,
Chepakam,
Chennai-600 005.
- 2.The District Collector,
Sivagangai District,
Sivagangai.
- 3.The District Revenue Officer,
Sivagangai District,
Sivagangai.
- 4.The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.



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5.The Tahsildar,
Kalayarkovil Taluk,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned order issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 issued by the fifth respondent dated 21.04.2023 and quash the same as illegal.

For Petitioner	:Mr.Sricharan Rangarajan Senior Counsel For Mr.T.Palanisamy
For Respondents	:M/s.D.Farjana Ghoushia Special Government Pleader

ORDER

Heard the learned senior counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

2. The petitioner challenges the impugned order issued by the jurisdictional Tahsildar under Section 6 of the Tamil Nadu Land Encroachment Act, 1905. The order itself may not be vulnerable. It is only pursuant to the order passed by this Court in more than one round of



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writ proceedings. However, the impugned order is the direct out come of the cancellation of the assignment originally made in favour of the petitioner.

3. The learned senior counsel appearing for the petitioner states that challenging the order of cancellation, the petitioner had moved the Commissioner of Land Administration, Chepauk, Chennai.

4. Considering the special facts and circumstances of the case, we direct the Commissioner of Land Administration, Chepauk, Chennai to dispose of the revision filed by the petitioner on merits. We make it clear that we have not gone into the merits of the matter. It is open to the first respondent to pass order one way or the other. The petitioner shall not be non-suited on the ground of laches. An order on merits will be passed by the first respondent within a period of four months from the date of receipt of copy of this order. The impugned order passed by the fifth respondent under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 shall be put on hold and it shall abide the order to be passed by the first respondent.



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5. The writ petition is disposed of accordingly. No costs.

Consequently, connected miscellaneous petition is closed.

[G.R.S.,J.] [S.S.Y.,J.]
10.05.2023

Index: Yes/No
Internet: Yes/No
NCC: Yes/No
SJ/SN

To

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3. The District Revenue Officer,
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5. The Tahsildar,
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G.R.SWAMINATHAN, J.

AND

S.SRIMATHY, J.

SJ/SN

ORDER MADE IN

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10.05.2023