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W.P.(MD) No.22147 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.09.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**W.P.(MD) No.22147 of 2023
and
W.M.P.(MD) No.18464 of 2023**

S.Yogarajan

... Petitioner

-VS-

1.The Commissioner of Land Administration
Chepauk, Chennai-5

2.The District Collector
Madurai District
Madurai

3.The Tahsildar
Madurai East Taluk
Madurai District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the first respondent to consider the revision, dated 31.08.2023, preferred by the petitioner, within the time fixed by this



W.P.(MD) No.22147 of 2023

WEB COPY

Court and consequently to forbear the respondents from interfering with the peaceful possession and enjoyment of the house of the petitioner situated at Ilangiyenthal Village, Madurai East Taluk, Madurai District, pending disposal of the revision before the first respondent.

For Petitioner : Mr.S.Prabhu Rajadurai
for Mr.S.Sekar

For Respondents : Mr.D.Sachi Kumar
Additional Government Pleader

ORDER

[Order of the Court was made by S.S.SUNDAR, J.]

Mr.D.Sachi Kumar, learned Additional Government Pleader, takes notice for the respondents.

2. With the consent of both sides, this writ petition is taken up for final hearing at the admission stage itself.

3. This writ petition is filed for issuance of a writ of mandamus directing the Commissioner of Land Administration / first respondent to consider the revision petition filed by the petitioner on 31.08.2023 as against



W.P.(MD) No.22147 of 2023

WEB COPY

the order passed by the District Collector / second respondent in the appeal filed by the petitioner under Section 10 of the Tamil Nadu Land Encroachment Act, 1905 (for brevity, “the Act”).

4. This Court is of the view that any further appeal or revision as against the order passed by the District Collector, in exercise of his appellate powers under Section 10 of the Act, will lie only before the Government and not before the Commissioner of Land Administration.

5. Hence, the petitioner is directed to prefer a revision petition before the Government / Revisional Authority under Section 10A of the Act, within a period of one week from the date of receipt of a copy of this order. On filing such revision petition by the petitioner, the Government / Revisional Authority is directed to dispose of the same on merits and in accordance with law, within a period of three weeks thereafter. Till such time the review petition is disposed of by the Government, the respondents shall not initiate any coercive steps for demolition.



W.P.(MD) No.22147 of 2023

WEB COPY

6. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[S.S.S.R., J.]

[D.B.C., J.]

12.09.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

- 1.The Commissioner of Land Administration,
Chepauk, Chennai-5.
- 2.The District Collector,
Madurai District,
Madurai.
- 3.The Tahsildar,
Madurai East Taluk,
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W.P.(MD) No.22147 of 2023

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