



W.P(MD)No.26696 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.11.2023

Coram

THE HON'BLE MR.JUSTICE **M.SUNDAR**  
and  
THE HON'BLE MR. JUSTICE **R.SAKTHIVEL**

**W.P(MD)No.26696 of 2023**

M.Veeraiya

.. Petitioner

VS

1.The Government of Tamil Nadu,  
Represented through its Principal Secretary,  
Revenue and Disaster Management Department,  
Chennai – 600 009.

2.The District Collector,  
Sivagangai District,  
Sivagangai.

3.The Tahsildar,  
Thirupathur Taluk,  
Sivagangai District.

4.Gandhi

5.M.Vijayan

6.A.Meenal

.. Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India  
praying for issuance of a writ of Mandamus, directing the first  
respondent to dispose the revision dated 04.04.2022 filed by the 4<sup>th</sup> to 6<sup>th</sup>



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respondents and the 2<sup>nd</sup> and 3<sup>rd</sup> respondents to removal of the encroachment of the 4<sup>th</sup> to 6<sup>th</sup> respondents based on the petitioner representation dated 03.08.2023 to the first respondent consider and dispose encroachment in Survey No.17/1, Karenthalpatti Village, Madhavarayanpatti Group, Thirupathur Taluk, Sivagangai District within the time stipulated by this Court.

For Petitioner : Mr.H.Velvadhas

For Respondent Nos.1 to 3 : Mr.P.Thilak Kumar  
Government Pleader  
assisted by  
Mr.M.Senthil Ayyanar  
Government Advocate

## ORDER

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

Captioned 'Writ Petition' [hereinafter 'WP' for the sake of brevity, convenience and clarity] pertains to three parcels of lands, all in Survey No.17/1 in Mathavarayanpatti Village in Thirupathur Taluk, Sivagangai District.



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2.It is the case of writ petitioner that these three parcels of lands have been encroached by respondents 4 to 6. To be noted, this is an allegation and in this order, we are not expressing any view or opinion on the same. The entire extent of land in Survey No.17/1, which is classified as Sarkar Poramboke quarry is 1.36.00 hectares. The allegation is that fourth respondent has encroached 0.39.50 hectares, fifth respondent has encroached 0.00.80 hectares and sixth respondent has encroached 0.53.00 hectares. To be noted, these three extents have been referred to as three parcels of lands supra. At the risk of repetition, we make it clear that in this order we are not expressing any opinion on the allegation of encroachment as we would be relegating the same to first respondent and the same would be evident from the narrative and directive infra in this order. The reason is, first respondent is now in seizin of a revision under Section 10-A of the 'Tamil Nadu Land Encroachment Act, 1905' [hereinafter 'said Act' for the sake of brevity convenience]. Three parcels of lands adverted to supra shall be collectively referred to as 'said lands' and the entire extent of land in Survey No.17/1 admeasuring 1.36.00 hectares shall be referred to as 'said entire land' for the sake of convenience.



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3.Proceedings under said Act were commenced and third

respondent made three orders bearing reference No.Na.Ka.A6/1419/2021 dated 29.07.2021, reference No.Na.Ka.A6/1419/2021 dated 11.08.2021 and reference No.Na.Ka.A6/1419/2021 dated 14.08.2021 pertaining to respondents 4, 5 and 6. These three orders of the third respondent were carried in appeal to the second respondent by way of statutory appeals under Section 10 of said Act. The second respondent passed orders in the statutory appeals and the same were carried by way of revision to the first respondent and the first respondent is now in seizin of the three revisions (at the instance of respondents 4 to 6) qua aforementioned three parcels of lands ie., said lands.

4.In the interregnum, three orders of the District Collector i.e., second respondent were assailed in this Court by respondents 4, 5 and 6 vide W.P(MD)Nos.3221 of 2023, 3222 of 2023 and 3223 of 2023. These three Writ Petitions along with W.M.Ps thereat were disposed of by another Hon'ble coordinate Division Bench by three separate orders, all dated 16.02.2023. To be noted, in this order, writ petitioner before us



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has been arrayed as fifth respondent. Though these three orders dated 16.02.2023 were made without notice to the fifth respondent, learned counsel for writ petitioner before us, who is fifth respondent in the three Writ Petitions, submits that the petitioner before us (Thiru.M.Veeraiya, Son of Thiru.Mayandi) accepts all three orders, all dated 16.02.2023 in W.P(MD)Nos.3221 of 2023, 3222 of 2023 and 3223 of 2023. This submission is recorded.

5.Mr.H.Velavadhas, learned counsel for writ petitioner, submits that the Hon'ble Division Bench in and by orders dated 16.02.2023 has directed the first respondent to consider Revisions of respondents 3 to 6 dated 04.04.2022 under Section 10-A of said Act. It is now the case of the writ petitioner that revisions were being heard by first respondent but after May 2022, the proceedings have not moved further i.e., have not been carried to its logical end.

6.In this regard, three hearing notices issued by the first respondent qua three revisions by respondents 4 to 6 are relevant and a scanned reproduction of the same are as follows:



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Revenue and Disaster  
Management Department  
Land Disposal (B/LD/2) Section  
Secretariat, Chennai-600 009

Letter No.1905/LD/2/2022-23 Dated 24.05.2022

From:  
Shri. K. Ganesan, B.A.,  
Joint Secretary to Government.

To:  
Tmt.K.Gandhi,  
W/o. Kerupiah,  
Kaarenpthalpatti, Thirukalagatti,  
Thiruvallur Taluk, Sivagangai.

Madam,

Sub: Land Encroachment - Sivagangai District - Thiruvallur Taluk -  
Kaarenpthalpatti Village - encroachment & Revision petition filed by  
Tmt.K.Gandhi - Regarding.

- Ref:
1. Proceedings of the District Collector, Sivagangai District, E4/59/S/2022, dated 15.02.2022.
  2. Revision petition filed by Tmt.K.Gandhi dated 24.04.2022.
  3. Government Order No. 1905/LD/2/2022-1, dated 13.05.2022.

I am directed to invite your attention to the references cited, and to request you to appear before the Principal Secretary to Government, Revenue and Disaster Management Department at 4.30 P.M. on 01.06.2022 in his Chamber, 2nd Floor, Old Building, Secretariat, Chennai-6 for personal enquiry in connection with the Revision Petition filed before the Revisional Authority, failing which Government will come to a conclusion based on the available records.

Yours faithfully,

*(Signature)*  
For Joint Secretary to Government.

Copy to

The District Collector, Sivagangai District  
Requested to copy the concerned official  
to attend the personal enquiry along with  
connected records and detailed report on  
the revision petition filed by the petitioner.

மாண்புமிகு வருமான, நிலம், பேரகர்த்தா அமைச்சர் அலுவலகம், சென்னை-600 009.  
தலைவர், மதுரை மாவட்டம்.





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Revenue and Disaster  
Management Department  
Land Disposal Wing, 5th Floor, Section  
Secretariat, Chennai-600 009

Letter No.1916/LD5(2)/2022-2, Dated 24-05-2022

From  
Mr. K.Ganesan, S.A.,  
Joint Secretary to Government,

To  
Mr. M.Vijayan,  
Sr. Magistrate,  
2nd/52, Kaverinpalati,  
Thiruvallur Taluk,  
Sivagangal District.

Sir/Madam,

Sub: Land Encroachment - Sivagangal District - Thiruvallur Taluk  
Kaverinpalati Village - Encroachment - Rev. Petition filed by  
Thiru. M.Vijayan - Regarding.

Ref: 1. Proceedings of the District Collector, Sivagangal Taluk,  
5915-1/2021/E4, dated 15.02.22;  
2. Revision petition filed by Thiru. M.Vijayan dated 04.04.2022;  
3. Government letter No.1916/LD5(2)/2022-2, dated 24.05.2022.

I am directed to invite your attention to the references cited and to request you to appear before the Principal Secretary to Government, Revenue and Disaster Management Department at 4.30 P.M. on 31.05.2022 in his Chamber, 2nd Floor, Old Building, Secretariat, Chennai for personal enquiry in connection with the Revision Petition filed before the Revisional Authority, taking which Government will come to a conclusion based on the available records.

Yours faithfully,

Joint Secretary to Government

Copy to  
The District Collector, Sivagangal District  
requested to depute the concerned official  
to attend the personal enquiry along with  
connected records and detailed report on  
the revision petition filed by the petitioner.



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Revenue and Disaster  
Management Department,  
Land Disposal Wing, LD(2) Section,  
Secretariat, Chennai-600 009

Letter No.1921/LD(2)/2022-2. Dated 24-05-2022

From  
Thiru. K.Ganesan, B.A.,  
Joint Secretary to Government.

To  
Tmt.Meena,  
W/o. Raman,  
O.No.20/5, Kaarenthalpatti,  
Thirukalapatti, Thirupattur Taluk,  
Sivagangai.

Sir/Madam,

Sub: Land Encroachment - Sivagangai District - Thirupattur Taluk -  
Kaarenthalpatti Village - encroachment - Revision petition filed by  
Tmt.Meena - Regarding.

- Ref:
1. Proceedings of the District Collector, Sivagangai Na.Ka. E4/17564/2021, dated 23.01.2022.
  2. Revision petition filed by Tmt.Meena dated 04.04.2022.
  3. Government letter No.1921/LD(2)/2022-1, dated 06.05.2022.

I am directed to invite your attention to the references cited and to request you to appear before the Principal Secretary to Government, Revenue and Disaster Management Department at 4.15 P.M. on 31.05.2022 in his Chamber, 2nd Floor, Old Building, Secretariat, Chennai-9 for personal enquiry in connection with the Revision Petition filed before the Revisional Authority failing which Government will come to a conclusion based on the available records.

Yours faithfully,

for Joint Secretary to Government

Copy to

The District Collector, Sivagangai District  
(requested to depute the concerned official  
to attend the personal enquiry along with  
connected records and detailed report on  
the revision petition filed by the petitioner)



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7.Issue notice to official respondents.

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8.Mr.P.Thilak Kumar, learned Government Pleader, accepts notice for official respondents (respondents 1 to 3).

9.Learned Government Pleader submits that the first respondent is in seizin of aforementioned three revisions and that the same will be concluded within three months from today i.e., by 07.02.2024.

10.Be that as it may, learned Government Pleader submits that respondents 4, 5 and 6 (private respondents), who are revision petitioners, have been heard by the revisional authority (first respondent). In this scenario, we deem it appropriate to dispose of the captioned WP in the Admission Board itself (with the consent of both sides). However, we hasten make it clear that when we say 'both sides', we are acutely conscious that respondents 4 to 6 are not before us and therefore we make it clear that all the rights and contentions of private respondents 4 to 6 qua said lands/said entire land and any other



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proceedings qua said Act with regard to said lands/said entire land are preserved, more particularly preserved for the purpose of revision proceedings which are underway. This is a safety valve which ensures that disposal of the captioned matter will not in any manner hurt or cause illegal injury to the rights of the private respondents. We deem it appropriate to super add that the first respondent/revisional authority and or any other authority or Court which may be approached in the days to come, shall consider the matter on its own merits and in accordance with law untrammelled by this order which has been made for the limited purpose of recording the statement of learned State counsel that the three revisions will be disposed of i.e., will be carried to its logical end within three months and give a directive in this regard.

11.In the light of the narrative thus far, captioned WP is disposed of with a directive to the first respondent to continue and conclude the aforementioned three revision petitions within three months from today i.e., by 07.02.2024. The outcome, i.e, the conclusion of the revision petitions, shall be communicated to the revision petitioners under due acknowledgement within seven working days.



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12.Captioned WP is disposed of in the aforesaid manner.

There shall be no order as to costs.

**(M.S.,J.) (R.S.V.,J.)**  
07.11.2023

Index : Yes/No  
Neutral Citation : Yes/No  
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- To
- 1.The Government of Tamil Nadu,  
Represented through its Principal Secretary,  
Revenue and Disaster Management Department,  
Chennai – 600 009.
  - 2.The District Collector,  
Sivagangai District,  
Sivagangai.
  - 3.The Tahsildar,  
Thirupathur Taluk,  
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**M.SUNDAR, J.,**  
**and**  
**R.SAKTHIVEL, J.,**

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