



W.P.No.2633 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2024

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.2633 of 2024

V.S.Shankarasubramanian

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Petitioner

Vs.

1. The Secretary to Government
Revenue and Disaster Management Department
Secretariat, Fort St. George
Chennai – 600 009.

2. The Commissioner of Land Administration
Land Administration Department
2nd Floor, Ezhilagam, Chepauk
Chennai – 600 005.

3. The District Collector
Chengalpattu District, Chengalpattu.

4. The Revenue Inspector
Kattankulathur Sub-division
Chengalpattu Taluk and District.

5. The Senior Divisional Commercial Manager/MAS
O/o. Sr. DCM, NGO Annex
Commercial Branch
Southern Railway, Parktown.

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Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, forbearing the 3rd and 4th respondents from evicting or removing the petitioner from the land situated in S.No. 226B, Potheri Village, Kattangulathur Sub-Division, Chengalpet District measuring an extent of 127.08 square metre between the Railway Track and retaining wall of Potheri railway station.

For the Petitioner : Mr.R.Karthikeyan

For the Respondents : Mr.A.Edwin Prabakar
State Government Pleader
for R1 to R4

Mr.Venkataswamy Babu
for R5

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.R.Karthikeyan, learned counsel for the petitioner, Mr.A.Edwin Prabakar, learned State Government Pleader for respondents 1 to 4 and Mr.Venkataswamy Babu, learned counsel for respondent 5.

2. Learned counsel for the petitioner submits that the respondent authorities are trying to evict the petitioner, though the petitioner is in legitimate possession of the land.



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3. Notice is issued to the fifth respondent. The notice in question is issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 [in short, "the Act of 1905"].

4. Learned State Government Pleader submits that the land in question is a Meikal land and neither the petitioner nor the fifth respondent have any right to occupy the said land. It is further submitted that joint inspection would be conducted and after the order under Section 6 of the Act of 1905 is passed, further steps would be undertaken.

5. In light of that, as order under Section 6 of the Act of 1905 is not passed and even if order under Section 6 of the Act of 1905 is passed, remedy of appeal is available under Section 10 of the Act of 1905, we are not inclined to entertain the present writ petition at this stage.



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6. The writ petition, accordingly, stands disposed of. There shall be no order as to costs. Consequently, W.M.P.No.2894 of 2024 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

08.02.2024

Index : Yes/No

Neutral Citation : Yes/No

drm

To

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5. The Senior Divisional Commercial Manager/MAS
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