



W.P.No.2670 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2024

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.2670 of 2024

1.A.Banupriya

2.A.Jesintha Priya Kumari

.. Petitioners

VS

1.Government of Tamil Nadu,
rep. by its Principal Secretary to Government,
Revenue and Disaster Management Department,
Fort St. George, Secretariat,
Chennai-600 009.

2.The Additional Chief Secretary to Government/
Commissioner of Land Administration,
Commissionerate of Land Administration,
A.C.S/C.L.A, PWD Estate,
Ezhilagam Building, Chepauk,
Chennai-600 005.

3.The Commissioner,
Greater Chennai City Corporation,
Ripon Buildings, Park Town,
Chennai-600 003.



W.P.No.2670 of 2024

WEB COPY

4.The District Collector,
Chennai District,Collectorate,
Singaravelar Maaligai, Fourth Floor,
No.62, Rajaji Salai,
Chennai-600 001.

5.The Revenue Divisional Officer,
South Chennai Revenue Division,
Anna Salai, Guindy,
(Near the Tamil Nadu Dr.M.G.R.Medical University)
Chennai-600 032.

6.The Tahsildar,
Sholinganallur Taluk,
No.1, 1st Cross Street,
New Kumaran Nagar,
Sholinganallur, Chennai-600 119.

7.The Revenue Inspector,
Sholinganallur Firka, Sholinganallur,
Sholinganallur Taluk,
Chennai-600 119.

8.The Village Administrative Officer,
No.14, Injambakkam Village,
Dr.Nanjunda Rao Road, Injambakkam,
Sholinganallur Taluk,
Chennai-600 115.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus to direct the fourth respondent District Collector Chennai District to consider the petitioner's stay petition under the provisions of Section 10(B) of the Tamil Nadu Land Encroachment Act, 1905.



W.P.No.2670 of 2024

WEB COPY

For the Petitioners : Mr.R.Anandha Babu

For the Respondents : Mr.A.Edwin Prabakar
State Government Pleader
assisted by
Mr.T.K.Saravanan
Government Advocate
for respondents 1, 2, 4 to 8

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

We have heard Mr.R.Anandha Babu, learned counsel for the petitioners; and, Mr.A.Edwin Prabakar, learned State Government Pleader, assisted by Mr.T.K.Saravanan, learned Government Advocate for respondents 1, 2, 4 to 8.

2. Learned counsel for the petitioners submits that the appeal under Section 10 of the Tamil Nadu Land Encroachment Act, 1905 [for brevity, "*the Act of 1905*"] is filed on 4.1.2024 along with an application for stay under Section 10-B of the Act of 1905. However, no orders are passed and the respondents are trying to evict the petitioners.



W.P.No.2670 of 2024

WEB COPY

3. The District Collector, Chennai District, shall pass orders on the application filed by the petitioners for stay within a period of ten days from the date of appearance of the petitioners. The petitioners shall appear before the District Collector, Chennai District in the pending appeal on 12.02.2024. For a period of ten days from 12.02.2024, no adverse action be taken against the petitioners pursuant to the notice/order issued under Section 6 of the Act of 1905. The parties shall be governed by the order passed by the District Collector. The parties are entitled to proceed further in tune with the order passed by the District Collector.

4. With these observations, the writ petition is disposed of. There shall be no order as to costs. W.M.P.No.2948 of 2024 filed by the petitioners to permit them to file a single writ petition is allowed and disposed of.

(S.V.G., CJ.)

(D.B.C., J.)

07.02.2024

Index : Yes/No
Neutral Citation : Yes/No
bbr



W.P.No.2670 of 2024

To

WEB COPY

- 1.The Principal Secretary to Government,
Government of Tamil Nadu,
Revenue and Disaster Management Department,
Fort St. George, Secretariat, Chennai-600 009.
- 2.The Additional Chief Secretary to Government/
Commissioner of Land Administration,
Commissionerate of Land Administration,
A.C.S/C.L.A, PWD Estate, Ezhilagam Building, Chepauk,
Chennai-600 005.
- 3.The Commissioner,
Greater Chennai City Corporation,
Ripon Buildings, Park Town, Chennai-600 003.
- 4.The District Collector,
Chennai District,Collectorate,
Singaravelar Maaligai, Fourth Floor,
No.62, Rajaji Salai, Chennai-600 001.
- 5.The Revenue Divisional Officer,
South Chennai Revenue Division,
Anna Salai, Guindy,
(Near the Tamil Nadu Dr.M.G.R.Medical University)
Chennai-600 032.
- 6.The Tahsildar,
Sholinganallur Taluk,
No.1, 1st Cross Street, New Kumaran Nagar,
Sholinganallur, Chennai-600 119.
- 7.The Revenue Inspector,
Sholinganallur Firka, Sholinganallur,
Sholinganallur Taluk, Chennai-600 119.
- 8.The Village Administrative Officer,
No.14, Injambakkam Village,
Dr.Nanjunda Rao Road, Injambakkam,
Sholinganallur Taluk, Chennai-600 115.



WEB COPY



W.P.No.2670 of 2024

THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY,J.

bbr

W.P.No.2670 of 2024

07.02.2024