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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2024

CORAM :

THE HON'BLE MR. JUSTICE R.MAHADEVAN

AND

THE HON'BLE MR. JUSTICE MOHAMMED SHAFFIQ

W.P.No.5196 of 2024

M.AMMASI .. Petitioner

Vs

1. THE SECRETARY TO GOVERNMENT
   REVENUE DEVELOPMENT,
   FORT ST. GEORGE, CHENNAI – 9.

2. THE SECRETARY TO GOVERNMENT
   LAW DEPARTMENT,
   FORT ST. GEORGE, CHENNAI – 9.

3. THE DISTRICT COLLECTOR/ R.D.O
   SALEM, SALEM DISTRICT.

4. THE SUB COLLECTOR
   OFFICE OF REVENUE DIVISIONAL OFFICER,
   METTUR DAM – 1, SALEM DISTRICT.

5. THE TAHSILDAR
   TALUK OFFICE, OMALUR TALUK,
   SALEM DISTRICT. .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of declaration declaring the order passed by the 3rd respondent in his proceeding Na.Ka.E-1172219/2023/K2, dated 21.02.2024 as non-est in the eye of law, consequently direct the

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1st and 2nd respondents to frame a rule U/s.8(C) (F) of the Tamil Nadu Land Encroachment Act 1905 enabling respondents 3 to 5 to provide a House site patta to the petitioner in Survey No.114/1 at Kottamettupatti Village, Omalur Taluk, Salem district by considering the representation dated 23.02.2024.

For the Petitioner : Mr.M.Elango

For the Respondents : Mr.Karthik Jegannathan
Government Advocate

ORDER

(Order of the Court was made by R.MAHADEVAN,J.)

The petitioner has filed this writ petition seeking issuance of a writ of declaration declaring the order passed by the 3rd respondent in his proceeding Na.Ka.E-1172219/2023/K2, dated 21.02.2024 as non-est in the eye of law, consequently direct respondents 1 and 2 to frame a rule U/s.8(C) (F) of the Tamil Nadu Land Encroachment Act 1905 enabling respondents 3 to 5 to provide a house site patta to the petitioner in Survey No.114/1 at Kottamettupatti Village, Omalur Taluk, Salem District, by considering the representation dated 23.02.2024.

2. After some submissions, learned counsel for the petitioner

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sought three weeks' time to file a revision before the Commissioner of Land Administration against the order impugned in this writ petition, for which learned Government Advocate appearing on behalf of the respondents has no serious objection.

3. In view of the above, the writ petition is disposed of with the following directions:

(i) The petitioner is granted three weeks' time to file a revision before the Commissioner of Land Administration against the order impugned in this writ petition.

(ii) The Commissioner of Land Administration shall consider the revision purely on merits and in accordance with law, after providing an opportunity to the petitioner.

(iii) Status-quo as on date shall be maintained by the parties for a period of three weeks.

There shall be no order as to costs. Consequently,

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W.M.P.No.5715 of 2024 is closed.

(R.M.D., J.) (M.S.Q., J.)
28.02.2024

Index : No
Neutral Citation : No

Note to Registry:
Issue order copy on 29.2.2024.
sasi

To

1. THE SECRETARY TO GOVERNMENT
   REVENUE DEVELOPMENT,
   FORT ST. GEORGE, CHENNAI – 9.

2. THE SECRETARY TO GOVERNMENT
   LAW DEPARTMENT,
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R.MAHADEVAN,J.
AND
MOHAMMED SHAFFIQ,J.

(sasi)

W.P.No.5196 of 2024

28.02.2024

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