



W.P.No.5038 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.02.2024

CORAM :

THE HON'BLE MR. JUSTICE R.MAHADEVAN

AND

THE HON'BLE MR. JUSTICE MOHAMMED SHAFFIQ

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M/S.P.C.M.SONS

REP. BY ITS PARTNER, RAJESH SOMASUNDARAM,
NO.1/40, NORTH PARADE ROAD, P.C.M. COLONY,
ST.THOMAS MOUNT, CHENNAI-600 016.

.. Petitioner

Vs

1. THE GOVERNMENT OF TAMIL NADU
REP. BY ITS PRINCIPAL SECRETARY,
REVENUE AND DISASTER MANAGEMENT DEPARTMENT,
LAND DISPOSAL WING, (LD1(1)) DEPARTMENT,
SECRETARIAT, CHENNAI-600 009.

2. THE DISTRICT COLLECTOR
CHENGALPATTU DISTRICT,
CHENGALPATTU.

3. THE TAHSILDAR
PALLAVARAM TALUK,
CHENGALPATTU DISTRICT.

4. THE REVENUE INSPECTOR
PALLAVARAM TALUK,
CHENGALPATTU DISTRICT.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus forbearing the respondents herein from demolishing and dispossessing the petitioner from its property admeasuring to 12 grounds, comprised in Survey No.435/1 of St.Thomas Mount Village, Pallavaram Taluk, Chengalpattu District.

For the Petitioner : Mr.Kandhan Duraisami

For the Respondents : Mr.Raman Lal
Additional Advocate General
assisted by
Mr.V.M.Ravichandran
Special Government Pleader

ORDER

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

The petitioner has filed this writ petition seeking issuance of a writ of mandamus to forbear the respondents herein from demolishing and dispossessing the petitioner from its property admeasuring to 12 grounds, comprised in Survey No.435/1 of St.Thomas Mount Village, Pallavaram Taluk, Chengalpattu District.

2. It is submitted that in some of the cases connected to the subject-matter, namely, W.P.No.34465 of 2023, this Court by order



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dated 7.6.2023, permitted the petitioners therein to file an appeal against the order passed under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 [for brevity, "*the Act of 1905*"].

3. Learned counsel for the petitioner now raised an issue that though the proceedings is dated 24.1.2024, the authorities have mailed the said proceedings in Na.Ka.No.8243(19)/2023/Aa3 only on 27.02.2024, which is beyond a month's time. Therefore, the learned counsel for the petitioner seeks indulgence of this Court to permit the petitioner to file an appeal before the appellate authority under Section 10 of the Act of 1905 against the proceedings/order dated 24.1.2024, for such prayer, learned Additional Advocate-General fairly agreed upon.

4. In view of the above, the petitioner is permitted to file the appeal under Section 10 of the Act of 1905 within a period of three weeks from today along with a stay application. If such an application is filed, the same be taken on record without raising the issue of limitation and appropriate orders shall be passed on merits



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and in accordance with law after affording opportunity to the petitioner. Till the order is passed in the stay application, no coercive steps be taken against the petitioner. If the petitioner fails to file the appeal within the time granted by this Court, it is open for the authorities to proceed further in accordance with law.

5. With these observations and directions, the writ petition stands disposed of. There shall be no order as to costs. Consequently, W.M.P.No.5542 of 2024 is closed.

(R.M.D., J.)

(M.S.Q., J.)

29.02.2024

Index : Yes/No
Neutral Citation : Yes/No
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To

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1. THE PRINCIPAL SECRETARY,
GOVERNMENT OF TAMIL NADU
REVENUE AND DISASTER MANAGEMENT DEPARTMENT,
LAND DISPOSAL WING, (LD1(1)) DEPARTMENT,
SECRETARIAT, CHENNAI-600 009.
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CHENGALPATTU DISTRICT,
CHENGALPATTU.
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PALLAVARAM TALUK,
CHENGALPATTU DISTRICT.
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R.MAHADEVAN,J.
AND
MOHAMMED SHAFFIQ,J.
(bbr)

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