



W.P.No.5944 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2024

CORAM :

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

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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AUROVILLE FOUNDATION
REP. BY ITS ASSISTANT ACCOUNTS OFFICER,
ANGSHUMAN BASU, AUROVILLE FOUNDATION BHAVAN,
AUROVILLE, VILLUPURAM-605 101.

.. Petitioner

Vs

1. THE COMMISSIONERATE OF LAND ADMINISTRATION
LAND ADMINISTRATION DEPARTMENT,
2ND FLOOR, EZHILAGAM, CHEPAUK,
CHENNAI - 600 005.

2. THE DISTRICT COLLECTOR
VILLUPURAM DISTRICT,
VILLUPURAM - 605 602.

3. THE REVENUE DIVISIONAL OFFICER,
VILLUPURAM REVENUE DIVISION,
(VANUR REVENUE TALUK RELATED)
VILLUPURAM - 605 602.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus to (A) direct the 2nd respondent to expeditiously dispose of our appeal pursuant to Section 10 of the Tamil Nadu Land Encroachment Act, 1905 dated 01.08.2022 within a stipulated time frame; and (B) to direct the 1st respondent to



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consider and consequently dispose of the recommendation of the 2nd respondent dated 29.09.2023 vide Na.Ka.4/898330/2023 and direct the 1st respondent to expeditiously consider the recommendation within a stipulated time frame.

For the Petitioner : Mr.AR.L.Sundaresan
Additional Solicitor General
for Mr.Vaibhav R.Venkatesh

For the Respondents : Mr.C.Kathiravan
Special Government Pleader

ORDER

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

Heard Mr.AR.L.Sundaresan, learned Additional Solicitor General appearing on behalf of Mr.Vaibhav R.Venkatesh, learned counsel for the petitioner; and Mr.C.Kathiravan, learned Special Government Pleader appearing on behalf of the respondents.

2. It is submitted by learned Additional Solicitor General appearing on behalf of the petitioner that the petitioner has already filed an appeal under Section 10 of the Tamil Nadu Land Encroachment Act, 1905 challenging the notice under Section 6 of



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the Act of 1905.

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3. It is further submitted that the second respondent has recommended exchange of land and the said recommendation is forwarded to the first respondent. The first respondent is required to take a decision upon it. The said recommendation has been forwarded by the second respondent to the first respondent on 29.9.2023, however, the same is not yet decided. Directions are sought against the first respondent to take a decision upon it.

4. It appears that the second respondent/District Collector has recommended that some of the lands belonging to the petitioner be given to the government by exchange for the purpose of laying road. The same is under consideration since September, 2023 with the first respondent. It would be appropriate if the first respondent takes a decision upon it expeditiously. The first respondent shall take a decision upon it on its own merits and in accordance with law and policy, preferably within three months.



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5. The second respondent/District Collector may decide the appeal filed by the petitioner under Section 10 of the Act of 1905 after the first respondent takes a decision upon the recommendation of the second respondent. Till the decision is taken by the first respondent on the recommendation of the second respondent, status-quo as on today with regard to the subject property be maintained.

The writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, W.M.P.Nos.6597 and 6598 of 2024 are closed.

(S.V.G., CJ.)

(D.B.C., J.)

06.03.2024

Index : Yes/No
Neutral Citation : Yes/No
sasi



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

(sasi)

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