



W.P.No.6531 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2024

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.6531 of 2024

1. Akash Gupta

2. Sunita Gupta

.. Petitioners

Vs.

1. Commissioner of Land Administration (CLA)
Land Administration Department
2nd Floor, Ezhilagam, Chepauk
Chennai.

2. The District Collector
Chengalpattu District, Chengalpattu.

3. The Tahsildar
Thirukkazhukundram Taluk
Chengalpattu District.

4. The Revenue Inspector
Nerumbur Village
Thirukkazhukundram Taluk
Chengalpattu District.

.. Respondents



W.P.No.6531 of 2024

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Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, forbearing the respondents their men, subordinates or agents from proceeding further with the eviction proceedings against the petitioners until the final disposal of the statutory revision petition filed under Section 10A (c) of the Land Encroachment Act preferred against the order passed by the 2nd respondent District Collector in Na.Ka.No.626/2024E3 dated 02.03.2024.

For the Petitioners	: Mr.S.Rajasekar for Mr.E.K.Amalnath
For the Respondents	: Mr.A.Edwin Prabhakar State Government Pleader

ORDER
(Made by the Hon'ble Chief Justice)

Heard Mr.S.Rajasekar, learned counsel appearing for Mr.E.K.Amalnath, learned counsel for the petitioner and Mr.A.Edwin Prabhakar, learned State Government Pleader for the respondents.

2. Learned counsel for the petitioners submits that after the order under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 was issued against the petitioners, the petitioners filed an appeal. The appeal came to be dismissed on 02.03.2024, however, the said fact



W.P.No.6531 of 2024

came to the knowledge of the petitioners only on 07.03.2024 when the respondents stuck notice on the building of the petitioners. The petitioners immediately filed a revision on 08.03.2024, however, in the evening and today morning, the respondent officials came along with JCB to demolish the compound wall and some part of the subject building.

3. Learned counsel for the petitioners further submits that in the month of December, 2023, a civil suit was also filed seeking injunction against these respondents. However, the respondents have not appeared in the said civil suit bearing O.S.No.69 of 2023 and as such, the order of injunction is not passed. Learned counsel for the petitioner submits that in case some part of the land is Meikkal Poramboke, the petitioners are ready for exchange of land, however, the construction of the petitioners needs to be protected.

4. Learned State Government Pleader submits that the petitioners have purchased the property in S.Nos.443/2B and 443/1B2, whereas, Meikkal Poromboke is in S.No.443/6. The



W.P.No.6531 of 2024

WEB COPY

petitioners have not purchased the property in S.No.443/6, however have encroached on S.No.443/6.

5. It appears that even the appeal filed by the petitioners has been dismissed. The petitioners have filed a revision before the first respondent, however, revision would only lie before the State Government. It appears that there is much distance between the building and the compound wall. The documents placed on record and the order for removal of encroachment are of different properties. It is not the subject matter of dispute that S.No.443/6 is a Meikkal Poromboke.

6. With a view to give an opportunity to the petitioners to file a revision, we may protect the building of the petitioners for an interim period, so as to enable the petitioners to avail the remedy of revision. However, the compound wall, which is at a much distance, cannot be protected.

7. In the light of that, we pass the following orders:

Page 4 of 8



W.P.No.6531 of 2024

WEB COPY

(i) We are not inclined to grant stay and/or injunction against the respondents *qua* the compound wall in question. However, for a period of three weeks from today, further steps with regard to the building inside the compound wall may not be taken.

(ii) This protection is granted for a period of three weeks so as to enable the petitioners to avail the remedy of revision.

(iii) On the lapse of three weeks, the present protection granted shall come to an end and the parties would be governed by further orders that may be passed in the revision and/or further action undertaken.

(iv) The respondents are entitled to earmark the area, which according to the respondents the



W.P.No.6531 of 2024

WEB COPY

petitioners have encroached.

8. The writ petition, accordingly, stands disposed of. There shall be no order as to costs. Consequently, W.M.P.No.7261 of 2024 is closed. W.M.P.No.7260 of 2024, petition filed to permit the petitioners to file a single writ petition is allowed, inasmuch as the petitioners have paid separate set of court fees.

(S.V.G., CJ.)

(D.B.C., J.)

09.03.2024

Index : Yes/No
Neutral Citation : Yes/No

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W.P.No.6531 of 2024

WEB COPY

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