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W.M.P.Nos.29117 & 29442 of 2023

W.M.P.Nos.29117 & 29442 of 2023 in
Rev.Aplw.SR.Nos.129381 & 130800 of 2023
against W.P.No.11980 of 2023

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

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

Heard Ms.J.Prithivi, learned counsel for the review applicants and Mr.A.Edwin Prabakar, learned State Government Pleader for respondents 1 and 2.

2. Learned counsel for the review applicants submits that this court passed an order, directing to conduct survey of the land in question with the assistance of the jurisdictional surveyor and if any encroachment is found, the said encroachment has to be removed after issuing notice to the encroachers. Learned counsel states that in fact, the lands in S.Nos.55/5A and 55/5B were not originally classified as "Nilaviyal Vandi Pathai". The said classification has been changed recently. The review applicants filed an appeal on October, but the same has not been considered. According to the learned counsel, a suit is also filed, seeking declaration that the lands are not "Nilaviyal Vandi Pathai". All these aspects were not considered while



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passing the order, which is sought to be reviewed.

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3. The Coordinate Bench of this Court has passed the following orders:

"5. Recording the submission made by learned State Government Pleader, the writ petition is disposed of with a direction to the respondent authorities to conduct a survey of the lands in question, except the lands in Survey Nos.67 and 54/4B, which are classified as "Grama Natham" and "Villai Veedu", respectively, with the assistance of the jurisdictional Surveyor and, if any encroachment is found, the same shall be removed after notice to the encroachers. The entire exercise is to be completed within a period of six weeks from the date of receipt of a copy of this order. There will be no order as to costs."

4. It would appear that this Court has not decided the classification of the lands. If the review applicants have filed any proceedings, it is for the review applicants to prosecute the same in accordance with law. In case the review applicants have any grievance with regard to the classification of the lands, it is for the



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review applicants to take appropriate steps in that regard.

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5. As this Court has not given any findings on the nature or classification of the lands, the order need not be reviewed. It is open for the review applicants to take appropriate proceedings in accordance with law. In that event, all contentions of the review applicants are kept open.

6. In light of the above, these miscellaneous petitions stand disposed of. There shall be no order as to costs. Consequently, the review applications also stand disposed of at the SR stage itself.

(S.V.G., C.J.)

(D.B.C., J.)

30.01.2024

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