



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **01.10.2018**

CORAM:

THE HONOURABLE MR. JUSTICE **T.RAJA**
and

WEB COPY

THE HONOURABLE MR. JUSTICE **KRISHNAN RAMASAMY**

W.P. (MD) No.20279 of 2018
and
WMP (MD) No.18048 of 2018

R.Komathi ... Petitioner

Vs.

1. The Government of Tamil Nadu,
rep. by its Principal Secretary,
Revenue and Disaster Management Department
Fort St. George,
Chennai-09.

2. The Commissioner of Land Administration,
Chepauk, Chennai-05.

3. The District Collector,
Ramanathapuram District,
Ramanathapuram.

4. The Tahsildar,
Ramanathapuram Taluk,
Ramanathapuram.

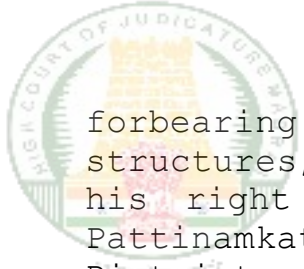
5. The Commissioner
Mandapam Panchayat Union,
Mandapam,
Ramanathapuram District.

6. The Block Development Officer,
Mandapam @ Uchipuli,
Ramanathapuram District.

7. The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram.

8. S.Rajeswari ... Respondents

(8th respondent impleaded as per the order of this Court
dated 01.10.2018 made in W.M.P.(MD).No.18334 of 2018)



forbearing the respondents from removing the fixtures, structures, compound wall and dispossession of the petitioner of his right to use the Pathway bearing survey No.388 / 13A in Pattinamkathan village in Ramanathapuram Taluk, Ramanathapuram District as a private pathway, till the disposal of the Revision Petition on the file of the 1st respondent and exhausting the legal remedies available under the law.

For Petitioner : Mr.D.Selvam for
Mr.R.M.Makesh Kumaravel
For Respondents : Mr.V.R.Shanmuganathan
Special Government Pleader
for RR-1 to 7
Mr.C.Jeyaprakash for R-8

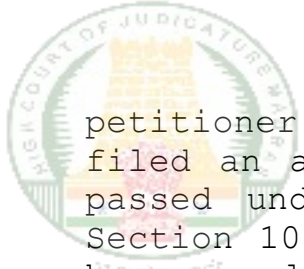
ORDER

(Order of the Court was made by **T.RAJA, J.**)

Thirumathi.R.Komathi, W/o.P.Ravichandran, having suffered an order passed by the District Collector, Ramanathapuram/third respondent herein has come to this Court under Article 226 of the Constitution of India, seeking mandamus, forbearing the respondent from removing the fixtures, structures, compound wall and then to dispossess the petitioner of his right from using the pathway in survey No.388 / 13A in Pattinamkathan village in Ramanathapuram Taluk, Ramanathapuram District, till the disposal of the Revision Petition on the file of the 1st respondent.

2.W.P.(MD).No.15349 of 2016 has been filed by one Thirumathi. Rajeswari, seeking a writ of mandamus directing the Tahsildar, Ramanathapuram to remove the encroachment made in the road situated in Sy.No.388/13A in Pattinamkathan village, Ramanathapuram Taluk, Ramanathapuram District, in the light of the proceedings in O.Mu.(A8)/2410/2016, dated 03.06.2018, issued by the Revenue Divisional Officer, Ramanathapuram District, wherein, the present petitioner was impleaded as 4th respondent by an order dated 08.08.2017 passed in W.M.P(MD).No.15467 of 2016. Finally, this Court by an order dated 08.08.2017, directed the Tahsildar, Ramanathapuram/3rd respondent herein to enquire into the alleged encroachment and issue notice to the interested parties, by following the due process of law and a further direction was made to complete the entire process within a period of three months from the date of receipt of a copy of that order.

3.The learned Counsel appearing for the petitioner would submit that on the basis of the order passed by this Court in W.P.(MD).No.15349 of 2016, notices under Section 7 followed by Section 10 of the Tamil Nadu Land Encroachment Act, 1905 (hereinafter referred as Act) were issued against the present



petitioner Thirumathi R.Komathi. Again, Thirumathi.R.Komathi also filed an appeal before the District Collector against the orders passed under Section 6 of the Act, exercising the power under Section 10 of the Act. The District Collector has also dismissed her appeal on 30.06.2018. As against that, an appeal was filed instead of revision. The Commissioner of Land Administration, Chepauk, Chennai, while returning the papers submitted by the petitioner, vide order dated 02.08.2018, directed her to file revision before the Government in revenue and Disaster Management under Section 10(A)(1)(c) of the Tamil Nadu Land Encroachment Act, 1905. Accordingly, the petitioner has filed a revision petition dated 03.09.2018 and the same is also pending. A contempt petition (MD).No.1350 of 2018 has been filed by the said Thirumathi. S.Rajeswari to take action against the respondents for not complying with the order passed by this Court on 08.08.2017 in W.P.(MD).No.15349 of 2016.

4.In view of the above facts and circumstances of the case, we hereby direct the first respondent/Principal Secretary, Revenue and Disaster Management Department, Chennai, who has seized of the revision filed under Section 10(A)(1)(c) of the Tamil Nadu Land Encroachment Act, 1905, to consider said revision and dispose of the entire matter within a period of four weeks from the date of receipt of a copy of this order, on merits and in accordance with law.

5.Accordingly, this writ petition is disposed of. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

1. The Principal Secretary,
Government of Tamil Nadu,
Revenue and Disaster Management Department
Fort St. George,
Chennai-09.
2. The Commissioner of Land Administration,
Chepauk, Chennai-05.
3. The District Collector,
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Ramanathapuram.
4. The District Collector,
Ramanathapuram Taluk,
Ramanathapuram.



5. The Commissioner
Mandapam Panchayat Union,
Mandapam,
Ramanathapuram District.

6. The Block Development Officer,
Mandapam @ Uchipuli,
Ramanathapuram District.

7. The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram.

+1cc to Mr.R.M.Makesh Kumaravel, Advocate Sr.No.88261
+1cc to Mr.C.Jeyaprakash, Advocate Sr.No.88381

VS

VB/SKN/SAR4/14.11.2018/4P/10C

W.P. (MD) No.20279 of 2018
01.10.2018