



W.P(MD)No.21876 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 12.09.2024

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**W.P(MD)No.21876 of 2024
and
W.M.P(MD)No.18534 of 2024**

Chinnadurai

... Petitioner

Vs.

- 1.The State represented by
The Secretary to the Government,
Revenue Department,
Fort St.George, Secretariat,
Chennai – 600 009.
- 2.The Commissioner of Land Administration,
Ezhilagam,
Chepauk,
Chennai.
- 3.The District Collector,
Pudukottai District,
Pudukottai.
- 4.The District Revenue Officer,
Pudukottai District,
Pudukottai.



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5.The Revenue Divisional Officer,
Illupur Revenue Division,
Illupur,
Pudukottai District.

6.The Tahsildar,
Ponnamaravathi Taluk,
Ponnamaravathi,
Pudukottai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of the sixth respondent vide his proceedings in O.Mu. 8730/2018/A2 dated 03.09.2024 and quash the same as illegal consequently directing the respondents to consider petitioner's application for reclassification of land dated 22.07.2024 pending on the file of the second respondent within in time frame fixed in this Court.

For Petitioner : Mr.K.P.Narayana Kumar
for Mr.T.Vadivelan

For Respondents : Mr.R.Ragavendran
Government Advocate
for R.1 to R.6

Mr.Babu Rajendran – Proposed party

ORDER

Heard both sides.



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2.The petitioner is found to have committed encroachment on S.F.No. 299/3 which has been classified as “water body”. The petitioner suffered order under Section 6 of the Tamil Nadu Land Encroachment Act, 1905. The appeals and revisions filed by him have also been dismissed. The petitioner has not challenged the order passed in revision so far. The impugned memorandum dated 03.09.2024 is only consequential in nature. Without there being a challenge to the primary order, challenge to the consequential proceedings is clearly not maintainable.

3.We went through the photographs enclosed in the typed set of papers. It is seen that a pucca house has been put up. Considering the special facts and circumstances of the case, we direct the respondents not to enforce the order for a period of six months. We grant such a long time so that the petitioner can make alternative arrangements in the meanwhile.

4.This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [B.P., J.]
12.09.2024

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
MGA



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G.R.SWAMINATHAN, J

and

B.PUGALENDHI, J.

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