



W.P.(MD)No.23396 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.09.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD)No.23396 of 2024
and
W.M.P.(MD)No.19800 of 2024**

Veerammal, W/o.Ganesan

... Petitioner

-VS-

1.The Principal Secretary to Government,
Revenue Department,
Fort St. George,
Chennai – 600 009.

2.The District Collector,
Virudhunagar District,
Virudhunagar.

3.The Tahsildar,
Vembakottai Taluk,
Virudhunagar District.

4.The Block Development Officer,
Vembakottai Taluk,
Virudhunagar District.

5.Selvaraj, S/o.Subbaiah

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the second respondent from proceeding with his order in Na.Ka.G2./L-11/22/2024, dated 12.09.2024, till the disposal of the Statutory Revision preferred by him before the first respondent vide Unnumbered Revision No.Nil / 2024, dated 21.09.2024, under Sections 10 and 11 of the Tamil Nadu Land Encroachment Act, 1905.

For Petitioner : Mr.M.Jegadeesh Pandian
For R1 to R4 : Mr.S.R.A.Ramachandran
Additional Government Pleader
For R5 : Mr.A.Manikandan

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

Prayer in the Writ Petition reads as follows:-

"To issue a Writ of Mandamus, forbearing the second respondent from proceeding with his order in Na.Ka.G2./L-11/22/2024, dated 12.09.2024, till the disposal of the Statutory Revision preferred by him before the first respondent vide Unnumbered Revision No.Nil / 2024, dated 21.09.2024, under Sections 10 and 11 of the Tamil Nadu Land Encroachment Act, 1905."



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2. Admittedly, the revision filed by the petitioner before the Government under Section 10-A of the Tamil Nadu Land Encroachment Act, 1905 [hereinafter referred to as "the Act"] is pending. If the eviction order is executed while a revision is pending, it will render the revision infructuous. While the appellate and revisional authorities have the power to grant a stay pending the decision of an appeal or revision under Section 10-B of the Act, this power is seldom exercised by the authorities. As a result, this Court is forced to exercise its jurisdiction under Article 226 of the Constitution of India.

3. The facts reveal that the decision of the authorities directing restoration of the pathway will necessarily prejudice the interest of the petitioner. In such view of the matter, the revisional authority namely, the Government is required to dispose of the revision filed by the petitioner under Section 10-A of the Act on 21.09.2024, within a period of 12 weeks from the date of receipt of a copy of this order. The Tahsildar, Vembakottai Taluk, Virudhunagar District / the third respondent herein is required to defer the implementation of the order, directing the removal of the encroachment till then.



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4. The Writ Petition is disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

NCC : No
Index : No
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[R.S.M., J.] [L.V.G., J.]
30.09.2024

To:-

- 1.The Principal Secretary to Government,
Revenue Department,
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Chennai – 600 009.
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Virudhunagar.
- 3.The Tahsildar,
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