



Rev.Aplw.(MD)No.19/2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MRS. JUSTICE S.SRIMATHY

Rev.Aplw.(MD).No.19/2024 & WMP.(MD).Nos.3198 & 3199/2024

Michealraj

.. Petitioner

Vs.

1.S.John Peter

2.The District Collector

Ramanathapuram District
Ramanathapuram.

3.The District Revenue Officer

Ramanathapuram, Ramanathapuram District.

4.The Revenue Divisional Officer

Ramanathapuram, Ramanathapuram District.

5.The Tahsildar

R.S.Mangalam Taluk Office
Ramanathapuram District.

... Respondents

Prayer : Review Application filed under Order 47 Rules 1 and 2 of CPC read with Section 114 of CPC to review the order passed in WP.(MD).No. 13815/2022 dated 01.07.2022.



WEB COPY



Rev.Aplw.(MD)No.19/2024

For Petitioner : Mr.K.R.Laxman

ORDER

[Order of the Court was made by S.S.SUNDAR, J.,]

(1)The present Review Application is filed by the review applicant as against the order passed in WP.(MD).No.13815/2022 dated 01.07.2022.

(2)This Court, vide order dated 01.07.2022, disposed of the writ petition in the following lines:-

"7.Be that as it may, the petitioner has approached this Court after submitting a representation to the Tahsildar. Since the property is stated to be a Government poramboke land, it is open to the 4th respondent Tahsildar, to initiate appropriate action for removal of encroachment in public property. The 4th respondent is directed to conduct survey and identify the encroachment. When the survey is conducted, the same shall be done in the presence of the 5th respondent or anyone who is interested in the property. If it is found that there is encroachment, the 4th respondent shall initiate action the provisions of the Tamil Nadu Land Encroachment Act, 1905 and complete the same, within a period of twelve weeks from the date of receipt



of a copy of this order."

WEB COPY

(3)The learned counsel for the petitioner / 5th respondent in the writ petition states that notice to the petitioner in the writ petition was dispensed with having regard to the nature of the order that is going to be passed by the Court. His grievance is that the official respondents have proceeded with the enquiry and found that the petitioner is in encroachment. Pursuant to the direction of this Court, it appears that the official respondents had passed an order of eviction holding that the petitioner is in encroachment of the public property. The grievance of the petitioner is that he had preferred an statutory appeal before the District Collector / 2nd respondent herein under Section 10-A of the Tamil Nadu Land Encroachment Act, 1901. The request of the learned counsel for the petitioner is that till such time, the appeal is disposed of by the District Collector, the petitioner may not be disturbed.

(4)Quite surprisingly, the petitioner himself has produced before this Court, the order passed by this Court in the Contempt Petition in Cont.P.No. 1992/2023 dated 04.12.2023 filed by the writ petitioner alleging willful disobedience of the order passed in the writ petition by the 5th



Rev.Aplw.(MD)No.19/2024

respondent / petitioner herein.

WEB COPY

(5) This Court, while disposing of the Contempt Petition, has directed the District Collector, to adjudicate the appeal proceedings by affording opportunity to all the parties and thereafter, to pass final orders. This Court also observed that the District Collector is expected to dispose of the appeal as expeditiously as possible.

(6) In view of the order passed in the contempt petition, the petitioner's apprehension may not be justified.

(7) Therefore, the Review Application is **dismissed**. However, it is again made clear that any coercive action against the petitioner, shall be only after the disposal of the statutory appeal that is now pending with the District Collector, Ramanathapuram District. Consequently, connected miscellaneous petitions are closed.

[S.S.S.R., J.] [S.S.Y., J.]
21.02.2024

AP

Internet : Yes

Neutral Citation : Yes / No



Rev.Aplw.(MD)No.19/2024

To

WEB COPY

- 2.The District Collector
Ramanathapuram District
Ramanathapuram.
- 3.The District Revenue Officer
Ramanathapuram, Ramanathapuram District.
- 4.The Revenue Divisional Officer
Ramanathapuram, Ramanathapuram District.
- 5.The Tahsildar
R.S.Mangalam Taluk Office
Ramanathapuram District.



WEB COPY



Rev.Aplw.(MD)No.19/2024

S.S. SUNDAR, J.,
and
S.SRIMATHY, J.,

AP

Rev.Aplw.(MD)No.19/2024

21.02.2024