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W.P.No.38973 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **K.RAJASEKAR**

W.P.No.38973 of 2024
and
W.M.P. Nos.42208 and 42212 of 2024
in W.P.No.38973 of 2024

Sky City Owners Association
rep. By its President,
Sky City apartment,
Adayalampattu Village,
Vanagaram, Chennai - 95.

... Petitioner

Vs.

- 1.The Secretary to Government of Tamil Nadu,
Revenue Department,
Fort St. George, Chennai – 600 009.
- 2.The District Collector,
Thiruvallur District – 602 001.
- 3.The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai – 600 008.
- 4.The Commissioner,
Villivakkam Panchayat Union,
Ambattur, Chennai – 600 053.



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5.The Tahsildar,
Poonamallee Taluk,
Poonamallee,
Tiruvallur District – 602 001.

6.The Executive Officer/President,
Adayalampattu Panchayat,
Villivakkam Panchayat Union,
Chennai.

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus to direct the first respondent to number the statutory revision and stay petition dated 03.12.2024 filed by the petitioner Association and dispose the same in accordance with law and consequently direct the respondents 2 to 6 not to demolish or remove the arch, center median situated in S.No.91/2 and 94/5B1 at Adayalampattu Village, previously Ambattur Taluk, presently Poonamallee Taluk till the disposal of the statutory revision pending before the first respondent.

For Petitioner : Ms.M.Abbiraami

For Respondents : Mr.T.K.Saravanan,
Government Advocate
for R1, R2, R5 and R6
Mr.Y.Bhuvanesh Kumar,
Standing Counsel for R3
Dr.S.Suriya,
Additional Government Pleader
for R4



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ORDER

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

This order will now dispose of captioned main 'Writ Petition' (hereinafter 'WP' for the sake of brevity).

2. In the previous listing of the captioned WP on 19.12.2024, the following proceedings were made:

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Captioned matter turns on statutory revision under Section 10-A of 'Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' ('said 1905 Act' for the sake of brevity) and a stay petition thereat under Section 10-B of said 1905 Act.

2. Learned counsel for writ petitioner makes a simple plea to have the stay petition (stay pending statutory revision) disposed of.

3. Issue notice to respondents. Mr. T.K. Saravanan, learned Government Advocate, accepts notice for RR 1,2,4,5 and 6.

4. From the submissions made at the bar, following points arise for consideration:



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i. Whether the revision dated 03.12.2024 was received by R1?

ii. Whether revision dated 03.12.2024 (Pp 70 to 72 of typed set of papers) is in prescribed form subject to answer to the question as to whether any format has been prescribed for statutory appeal under Section 10 and statutory revision under Section 10-A?

5. Learned State counsel requests for a short accommodation to get instructions as regards the above questions and revert to this Court.

6. Request acceded to.

List in the Admission Board, viz., Motion List on 02.01.2025.'

3. Ms.M.Abbiraami, learned counsel for writ petitioner, Mr.T.K.Saravanan, learned Government Advocate for R1, R2, R5 and R6, Mr.Y.Bhuvanesh Kumar, learned Standing Counsel for R3 and Dr.S.Suriya, learned Additional Government Pleader for R4 are before us.

4. Learned State counsel has placed before us a letter bearing reference Letter No.19820/LD6(1)/2024-2 dated 30.12.2024 in response to our aforementioned 19.12.2024 proceedings. A scanned reproduction of this 30.12.2024 letter is as follows:

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Revenue and Disaster
Management Department,
Land Disposal Wing,
LD6(1) Section, Secretariat,
Chennai- 600 009.

Letter No.19820/LD6(1)/2024-2. Dated 30.12.2024

From

Intt. P. Amudha, I.A.S.,
Additional Chief Secretary to Government.

To

The State Government Pleader,
High Court of Madras,
Chennai - 104. (w.e)

Sir,

Sub: Court Case – Tamil Nadu Land Encroachment Act, 1905 –
W.P.No.38973 of 2024 filed by – Sky City Owners Association
represented by its President – Orders of the Hon'ble High court of
Madras - Regarding.

Ref: 1. Revision petition filed by Thiru.T.Nallasivan, Sky City Owners
Association, dated 03.12.2024.
2. Orders of the Hon'ble High Court of Madras in W.P.No.38973
of 2024, dated 19.12.2024.

The President, Sky City Owners Association, Tiruvallur District has filed a
W.P.No.38973 of 2024 before the Hon'ble High Court of Madras with a prayer to
direct the 1st Respondent to number the Statutory Revision and Stay petition dated
03.12.2024 filed by the petitioner Association and dispose the same in accordance
with law and consequently direct the respondents 2 to 6 not to demolish or remove
the arch, center median situated in S.No.91/2 and 94/581 at Adayalampattu Village,
previously Ambattur Taluk, presently Poonamallee Taluk till the disposal of the
Statutory Revision pending before the 1st Respondent.

2. The Hon'ble High Court of Madras, in its order dated 19.12.2024 in
W.P.No.38973 of 2024 has passed the following orders:-

"4. From the submissions made at the bar, following points arise for
consideration:

- i. Whether the revision dated 03.12.2024 was received by Respondent 1?
- ii. Whether revision dated 03.12.2024 (Pp 70 to 72 of typed set of
papers) is in prescribed form subject to answer to the question as to
whether any format has been prescribed for statutory appeal under
section 10 and statutory revision under Section 10-A?

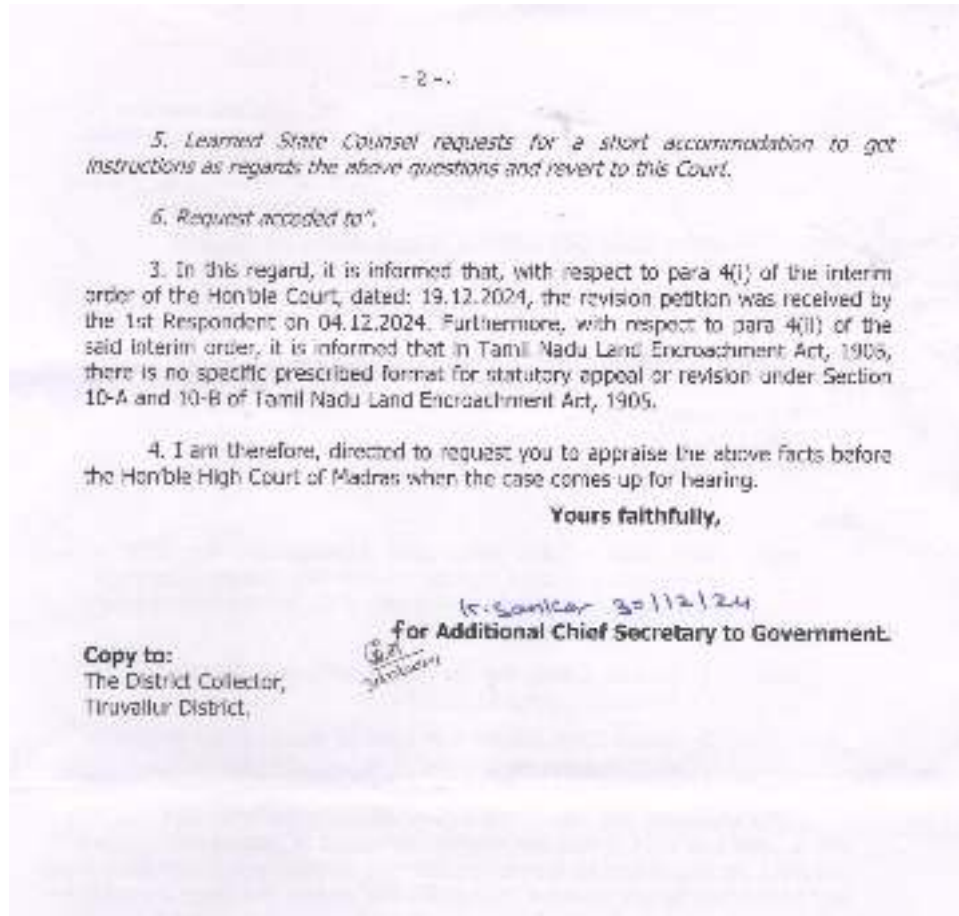
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5. To be noted, communication in the nature of 30.12.2024 letter may qualify as privileged communication but learned State counsel has waived privileged communication plea and placed it before us.

6. The aforementioned 30.12.2024 letter is self-explanatory and it speaks for itself. Therefore, recording the stated position of the learned State counsel, captioned WP is disposed of, directing R1 to dispose of the stay petition on its own merits and in accordance with



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law within one week from today i.e., on or before 09.01.2025. Though obvious, we make it clear that any further action pursuant to the orders sought to be revised will be subject to the orders in the stay petition.

7. Captioned WP is disposed of in the aforesaid manner. Consequently, captioned Writ Miscellaneous Petitions (WMPs) thereat are disposed of as closed. There shall be no order as to costs.

(M.S.,J.) (K.R.S.,J.)
02.01.2025

Index : Yes / No
Neutral Citation : Yes / No
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To

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

2.The District Collector,
Thiruvallur District – 602 001.

3.The Member Secretary,
Chennai Metropolitan Development Authority,

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No.1, Gandhi Irwin Road,
Egmore, Chennai – 600 008.

4.The Commissioner,
Villivakkam Panchayat Union,
Ambattur, Chennai – 600 053.

5.The Tahsildar,
Poonamallee Taluk,
Poonamallee,
Tiruvallur District – 602 001.

6.The Executive Officer/President,
Adayalampattu Panchayat,
Villivakkam Panchayat Union,
Chennai.

**M.SUNDAR, J.,
and**



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