



W.P.No.20016 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.20016 of 2025

and

W.M.P.No.22566 of 2025 in W.P.No.20016 of 2025

Roja Amma

... Petitioner

Vs.

1.The District Collector/Appellate Authority,
Chennai District, Singaravellar Maligai,
Rajaji Salai, Chennai – 600 001.

2.The Assistant Executive Engineer,
Public Works Department,
Coovam Drainage Sub Division,
Chepauk, Chennai – 600 005.

3.The Tasildar,
Aminjikarai Taluk, Chennai – 600 030.

... Respondents

Writ Petition filed under Article 226 of The Constitution of India
praying to issue a Writ of Certiorarified Mandamus calling for the
records relating to the third respondent's notice dated 26.05.2025 and
quash the same and consequently to direct the first respondent to



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pass orders in the appeal and stay petition dated 27.03.2019 against second respondent order dated 22.01.2019 under the Land Encroachment Act, 1905 within the time prescribed by this Court.

For Petitioner : Mr.K.Sakthivel
For Respondents : Mr.T.K.Saravanan,
Additional Government Pleader

ORDER

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

Captioned main 'Writ Petition' [hereinafter 'WP' for the sake of brevity] turns on a very short point.

2. Mr.K.Sakthivel, learned counsel on record for writ petitioner after setting out the facts in detail and the trajectory the matter has taken thus far posited his argument on the point that a statutory appeal dated 27.03.2019 being a statutory appeal under Section 10 of 'The Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity} along with a stay petition of even date (27.03.2019) under Section 10-B of said 1905 Act are pending with R1 [District Collector, Chennai] and pending appeal and stay petition, the writ petitioner has been put under pain of



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dispossession/demolition by resorting to separate proceedings.

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3. Issue notice to respondents.

4. Mr.T.K.Saravanan, learned Additional Government Pleader accepts notice for respondents and very fairly submits that the aforesaid appeal and stay petition are in fact pending with R1, it is under active consideration of R1 and in his usual fairness, learned State counsel drew our attention to an order dated 16.12.2020 in W.P. Nos.19146, 19149, 19151 and 19153 of 2020 made by another Hon'ble Division Bench where another Hon'ble Division Bench has directed expedited disposal of the aforesaid appeal. After drawing our attention to the earlier judicial order, learned State counsel submits on instructions that the aforereferred main appeal itself will be disposed of on its own merits and in accordance with law by R1 within eight weeks from today i.e., on or before 31.07.2025 and adds that coercive action (if any and if that be so) will be subject to and depending on the outcome of the appeal. This submission of learned State counsel is recorded as an undertaking given to the Court.



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5. On appeal being disposed of on its own merits and in accordance with law, a copy of the order disposing the appeal shall be served on the writ petitioner under due acknowledgement within five working days from the date of order.

6. In the light of what is unfurled in the hearing today, it may really not be necessary to advert to further and other proceedings which are in the nature of tributaries but we make it clear that rights of all the parties concerned in other/further proceedings are preserved and left open.

7. This Court is acutely conscious of the fact that the prayer in the writ petition pertains to further/other proceedings which are in the nature of tributaries but with the consent of learned counsel on both sides, captioned WP is taken up and the matter is restricted to the pendency of the appeal and stay petition. It is in this context that we have left open all rights of the parties on both sides and left open all questions qua both sides with regard to further/other proceedings.

8. Captioned WP is disposed of capturing/recording the stated



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position of learned State counsel, recording the same as undertaking given to this Court. The stated position of learned State counsel alluded to supra douses the anxiety of the writ petitioner as regards demolition/dispossession and therefore, captioned Writ Miscellaneous Petition (WMP) thereat becomes otiose and the same is disposed of as closed. There shall be no order as to costs.

(M.S.,J.) (H.C.,J.)
05.06.2025

Index : Yes / No
Neutral Citation : Yes / No
mmi

(1/2)

To

- 1.The District Collector/Appellate Authority,
Chennai District, Singaravellar Maligai,
Rajaji Salai, Chennai – 600 001.
- 2.The Assistant Executive Engineer,
Public Works Department,
Coovam Drainage Sub Division,
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**M.SUNDAR, J.,
and
HEMANT CHANDANGOUDAR, J.,**

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