



W.P.No.145 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2023

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.145 of 2023

R.Sadaiyandi

.. Petitioner

Vs

- 1 The District Collector
Chengalpattu District.
- 2 The Tahsildar
Cheyyur Taluk Cheyyur
Chengalpattu District.
- 3 The Revenue Inspector
Lathur Firka, Cheyyur Taluk
Chengalpattu District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus forbearing respondents 2 and 3 herein from initiating any eviction proceedings against petitioner pursuant to the notice dated 26.12.2022 issued under Section 6 of the Tamil Nadu Land Encroachment Act 1905 in respect of Survey No. 441/1, Adayalacherry Village, Cheyyur Taluk in the light of pendency of the statutory appeal dated 30.12.2022 before the District Collector. Chengalpattu.



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For the Petitioner : Mr.D.Murthy

For the Respondents : Mr.J.Ravindran
Additional Advocate General
assisted by
Mr.A.Selvendran
Special Government Pleader

ORDER

(Order of the court was made by the Hon'ble Acting Chief Justice)

This writ petition has been filed by the petitioner for issuance of a writ of mandamus forbearing respondents 2 and 3 from initiating any eviction proceedings against the petitioner pursuant to the notice dated 26.12.2022 issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 (for brevity, "*the Act of 1905*") in respect of Survey No.441/1 situated at Adayalcherry Village, Cheyyur Taluk in the light of the pendency of the statutory appeal dated 30.12.2022 before the District Collector, Chengalpattu.

2. Learned counsel for the petitioner submitted that aggrieved by the notice issued under Section 6 of the Act of 1905, the petitioner has already filed an appeal on 30.12.2022 before the first



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respondent/District Collector, Chengalpattu and the same is pending. However, pending appeal, the petitioner apprehends that respondents 2 and 3 will take a coercive action against the petitioner. Hence, the petitioner has been advised to file the present writ petition.

3. Learned Additional Advocate General appearing for the respondents submitted that since the petitioner has filed the statutory appeal against the notice issued under Section 6 of the Act of 1905, the present writ petition is not maintainable and, therefore, the same is liable to dismissed.

4. We do not find any justification in the relief sought by petitioner in the instant writ petition, including the prayer for an interim order, for the simple reason that the petitioner has already filed the statutory appeal before the first respondent under Section 10 of the Act of 1905 against the notice issued under Section 6 along with an application for stay under Section 10B of the Act of 1905. It is for the petitioner to press for any interim order before



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the appellate authority.

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In such view of the matter, we do not find any merit in the writ petition and the same is dismissed. There will be no order as to costs. Consequently, W.M.P.No.133 of 2023 is closed.

(T.R., ACJ.) (D.B.C., J.)
05.01.2023

Index : Yes/No
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To:

- 1 The District Collector
Chengalpattu District.
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Chengalpattu District.
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Lathur Firka, Cheyyur Taluk
Chengalpattu District.



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T.RAJA, ACJ.
AND
D.BHARATHA CHAKRAVARTHY, J.

(bbr)

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