



W.P. No.15579 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2024

CORAM

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

and

THE HONOURABLE MRS.JUSTICE **K.GOVINDARAJAN THILAKAVADI**

W.P. No.15579 of 2024

and

W.M.P.No.16973 of 2024 in W.P.No.15579 of 2024

- 1.Soundram
- 2.Kanagaraj
- 3.Bhoopathi

.. Petitioners

Vs.

- 1.The District Collector,
Collectorate Office, Salem.
- 2.The Revenue Divisional Officer,
Salem Division, Salem.
- 3.The Tahsildar,
Office of Tahsildar, Salem.
- 4.The Revenue Inspector,
Panamarathupatti Village,
Salem District.

.. 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 dispose of the appeal filed by the petitioners under Section 10(b) of The Tamil Nadu Land Encroachment Act, 1905 against the order dated 21.05.2024 passed by the third respondent



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vide Na.Ka.No.0765/2024(A2) pending before the 1st respondent herein as expeditiously as possible within the time frame as may be fixed by this Court.

For Petitioner : Mr.R.Vivek
For Respondents : Mr.T.K.Saravanan,
Government Advocate

ORDER

(Order of the Court was made by **M.Sundar, J.**)

The nucleus of the captioned 'Writ Petition' (hereinafter 'WP' for the sake of brevity) is a 'notice/proceedings signed by R3 on 21.05.2024' (hereinafter 'impugned proceedings' for the sake of convenience and clarity).

2. Before proceeding further, we deem it appropriate to write that Mr.R.Vivek, learned counsel for writ petitioners, who is before this Court advertent to earlier proceedings made yesterday, expressed regret for missing the matter yesterday.

3. Reverting to the case on hand, impugned proceedings pertains to land comprised in 'Survey No.87/2 admeasuring 17.5



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ares or thereabouts in Thimpampatti Village, Panamarathupatti Sub Taluk, Salem District' (hereinafter 'said land' for the sake of convenience and clarity). To be noted, impugned proceedings says that writ petitioners have caused encroachment qua said land and the impugned proceedings have been issued by R3 under Section 6 of 'The Tamil Nadu Land Encroachment Act, 1905' (hereinafter 'said Act' for the sake of convenience and clarity).

4. Assailing impugned proceedings, writ petitioners have filed appeal to R1, the appeal is dated 05.06.2024 and according to the postal track report placed before us, the appeal has been delivered in the office of R1 on 06.06.2024 but captioned WP has been presented in this Court on 10.06.2024. This leaves only one working day in the interregnum viz., 07.06.2024 Friday. To be noted, the prayer is a mandamus qua said appeal as regards appellate authority viz., R1.

5. In the light of appeal itself having been delivered in the office of R1 only on 06.06.2024, we find no ground to issue a mandamus qua said appeal as the captioned WP has been presented in this Court on 10.06.2024, however, with the intention of ascertaining the obtaining position, we are issuing notice



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regarding admission to the respondents and Mr.T.K.Saravanan, learned Government Advocate accepts notice for all four respondents. Learned State counsel confirms that the appeal has been received in the office of R1.

6. In the aforementioned backdrop, adverting to paragraph 17 of the appeal, Mr.R.Vivek, learned counsel for writ petitioners submits that a petition for stay pending decision in the appeal has also been presented under Section 10-B of said Act but the same is not before us.

7. Therefore, though we are dismissing captioned WP, we make it clear that if there is a petition under Section 10-B of said Act, it is open to R1 to take up the same and dispose of the Section 10-B petition on its own merits and in accordance with law. We also make it clear that this is only an observation for the sake of specificity and not a directive as the captioned WP is being dismissed.

8. Captioned WP is dismissed albeit with the aforementioned observation. Consequently, captioned 'Writ Miscellaneous Petition' (WMP) thereat also perishes with the same.



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In other words, captioned WMP is also dismissed. There shall be no order as to costs.

(M.S.J.) (K.G.T.J.)
19.06.2024

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

To

- 1.The District Collector,
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**M.SUNDAR.J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,**
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19.06.2024