



W.P.No.36943 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2024

CORAM

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

W.P.No.36943 of 2024
and
W.M.P. Nos.39886 and 39887 of 2024 in W.P.No.36943 of 2024

1.E.Govindarajan
2.G.Poornima

... Petitioners

vs

1.The District Collector,
Chengalpattu District,
Chengalpattu.

2.The Revenue Divisional Officer,
Tambaram.

3.The Tahsildar,
Vandalur.

4.Vanitha

... Respondents

Writ Petition filed under Article 226 of The Constitution of India
praying to issue a Writ of Mandamus to forbear the second
respondent from taking any coercive action on the petitioners'
dwelling house situated at No.10, Thiruveethi Amman Koil Street,

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Krishnapuram, Nandhivaram Village, Guduvancherry, Vandalur Taluk
till the final order passed by the first respondent on the appeal filed
by the petitioners dated 22.10.2024 and consequently direct the first
respondent to conduct enquiry and pass orders on the appeal filed by
the petitioners dated 22.10.2024.

For Petitioners : Mr.R.Sankarasubbu

For Respondents : Mr.T.K.Saravanan,
Government Advocate

ORDER

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

Captioned 'Writ Petition' (hereinafter 'WP' for the sake of
brevity) pertains to proceedings under 'The Tamil Nadu Land
Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter
'said 1905 Act' for the sake of brevity}.

2. Mr.R.Sankarasubbu, learned counsel on record for writ
petitioners is before this Court. Learned counsel submits that appeal
under Section 10 of said 1905 Act has been preferred along with stay
petition under Section 10-B of said 1905 Act. Learned counsel



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submits that the appeal and stay petition are pending with R1 (District Collector, Chengalpattu District) who is the appellate authority. Pending appeal and stay petition, the alleged encroachment is sought to be removed and writ petitioners are under pain of dispossession is learned counsel's say.

3. Issue notice to official respondents.

4. Mr.T.K.Saravanan, learned Government Advocate accepts notice for R1 to R3.

5. Mr.T.K.Saravanan, learned State counsel submits that the stay petition which has been filed along with appeal dated 22.10.2024 will be disposed of by R1 within a fortnight from today i.e., on or before 25.12.2024. This makes the task of disposal of the captioned WP simple. R4 is a private respondent and we make it clear that all the rights and contentions of R4 are preserved as regards disposal of stay petition and obviously as regards the appeal also. As rights and contentions of R4 (private respondent) are preserved, main WP is taken up with the consent of learned counsel on both



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sides in the Admission Board.

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6. Captioned WP is disposed of recording the stated position of learned State counsel i.e., the submission that stay petition dated 22.10.2024 (received by R1/Appellate Authority on 23.10.2024) will be disposed of within a fortnight and we make it clear that further action in the subject matter will be subject to / depending on outcome of stay petition. It is open to R1 to take up the main appeal also and dispose it of. We do not express any opinion on this as this is subject to the official business of R1.

7. For the sake of specificity, we deem it appropriate to scan and reproduce the appeal together with the stay prayer as placed before us and the same is as follows:



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**BEFORE THE DISTRICT COLLECTOR
CHENGALPATTU DISTRICT**

Appeal No. _____ of 2024

In

MU.MU.No. 909/2024/A/Dated 07.08.2024

(On the file of Revenue Divisional Officer, Tambaram, Chennai-45
and office Memo Na.Ka.No.2809/2024/A1/dated 23.09.2024)

E.GOVINDARAJAN, M/A 62,
S/o,Ekambaram,
No.10, Thituveethi Amman Kovil Street,
Krishnapuram, Nandhivaram,
Guduvancherry,
Chengalpattu District.Appellant

Vs

1. The District Revenue Officer,
Chengalpattu District,
Chengalpattu.
2. The Revenue Divisional Officer,
Tambaram,
Chennai- 600 045.
3. The Thasildar,
Vandalur Taluk,
Guduvancherry,
Chengalpattu District.Respondents

**APPEAL FILED UNDER SECTION 10 OF LAND
ENCROACHMENT ACT 2005**

The Appellants prefer the Memorandum of Appeal Under Section 10 of
Land Encroachment Act 2005 against the impugned order in
mu.909/2024 dated 07.08.2024 served on the appellant on 24.08.2024
on the file of Thasildar and against the same and objection were



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submitted dated 25.09.2024 without considering the objection a printed form Under Section 6 was claimed to have signed on 10.10.2024 but served on 21.10.2024 vague printed notice without necessary particulars without considering the objection and the said impugned order of eviction Under Section 6 of Land Encroachment Act is unjust and illegal for the following

GROUND.

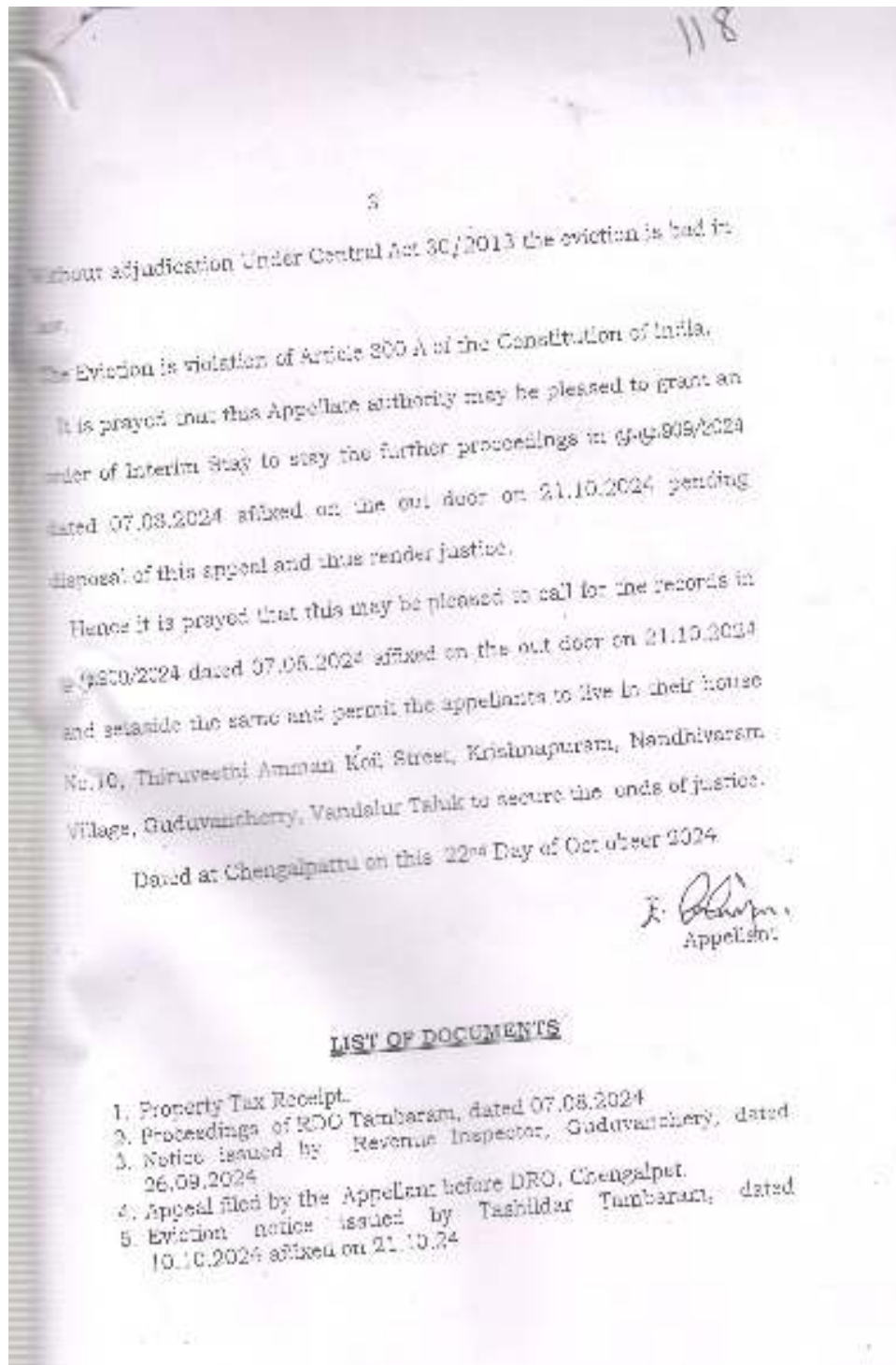
- a. The impugned order of eviction is vague.
- b. The impugned order failed to consider the objection and the same was not reflected in the impugned order. Hence the eviction is without application of mind and deserved to be set aside.
- c. The impugned order failed to consider the patta and similarly placed 353 residents are there in around the area.
- d. The land in question is grant natham and living right of S.C. Community people should not be affected.
- e. The impugned order is violating Under Article 21 of the Constitution of India.
- f. The Appellants one of the residents nearly 40 years since 1988 and it will not serve any public purpose and they are having house tax receipt and SE Connection and they are living residents are protected Under Act 30/2013.
- g. The impugned order is violation of the provisions of Act 30/2013.



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8. Captioned WP is disposed of in the aforesaid manner.

Consequently, captioned two 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.)**

11.12.2024

Index : Yes / No

Neutral Citation : Yes / No
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To

- 1.The District Collector,
Chengalpattu District,
Chengalpattu.
- 2.The Revenue Divisional Officer,
Tambaram.
- 3.The Tahsildar,
Vandalur.

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**M.SUNDAR, J.,
and
K.RAJASEKAR, J.,**

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