



WP.No.39697 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.12.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

W.P.No.39697 of 2024
and
W.M.P.No.42992 of 2024

M/s.Kirubai Suvi Shesha Sabai,
Represented by its pastor Mr.Victor Caleb,
S/o. Johnson,
Perambakkam Village & Post,
Thiruvallur Taluk and District.

... Petitioner

Vs.

1. The District Collector,
District Collectorate,
Tiruvallur,
Tiruvallur District,
PIN-602 001.
2. The Revenue Divisional Officer,
Revenue Divisional Office,
J.N.Road,
Tiruvallur - 602 001.
3. The Thasildhar,
Taluk Office,
Thiruvallur - 602 001.



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4. The Revenue Inspector,
Kadambathurfirka,
Thiruvallur Taluk and District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India in the nature of writ of Certiorarified Mandamus, calling for records culminating in the third respondent dated 11.12.2024 and 12.12.2024 made in Na.Ka.No.454/2024/Aa3 and quash the same and consequently direct the first respondent to dispose of the appeal preferred by the petitioner on 16.12.2024.

For Petitioner : Mrs.G.Thilakavathi
Senior Counsel
for Mr.G.Sivakumar

For Respondents : Mr.P.Kumaresan
Additional Advocate General
assisted by
Mrs.S.Anitha
Special Government Pleader

ORDER

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

The order passed by the third respondent/Thasildar under Section 6 of Tamil Nadu Land Encroachment Act, 1905 (hereinafter referred to as 'the Act') in proceedings dated 11.12.2024 is under challenge in the present writ proceedings.



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2. Mrs.G.Thilakavathi, the learned Senior Counsel appearing on behalf of the petitioner would submit that the Hon'ble Supreme Court of India granted the interim order of status-quo for two months from the date of order i.e., from 17.12.2024. Meanwhile, the petitioner has preferred a statutory appeal under Section 10 of the Act before the Authority competent and the present writ petition has been filed challenging the order passed under Section 6 of the Act.

3. Once statutory appeal under Section 10 of the Act has been preferred, no writ against the final order passed under Section 6 of the Act is entertainable. It is for the petitioner to participate in the process of adjudication before the statutory Authority and establish their case through documents and evidences, if any available.

4. Mr.P.Kumaresan, the learned Additional Advocate General appearing on behalf of the respondents would submit that waterbodies are under encroachment and the Government is initiating action to remove encroachments in the waterbody. Therefore, actions were initiated by



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following the procedures as contemplated under the Land Encroachment Act. The petitioner has already filed statutory appeal, which will be taken into consideration by following the procedures. Further, it is brought to the notice of this Court that the Civil suit has been instituted by the petitioner in O.S.No.169 of 2024, which is also pending.

5. As per the orders of the Hon'ble Supreme Court of India dated 17.12.2024 is concerned, Special Leave Petition was permitted to withdraw. However, the Hon'ble Supreme Court taking note of the fact that the SLP was withdrawn, granted the interim order of status-quo for a period of two months from 17.12.2024. On the same day, the petitioner preferred statutory appeal under Section 10 of the Act. That being so, it is for the petitioner to request the Authority for early disposal of the statutory appeal by following the due process as contemplated.



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6. With the above observations, the Writ petition stands **dismissed**

No costs. Connected M.P. is closed.

[S.M.S., J.] [V.L.N., J.]
27.12.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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