



W.P.No.1467 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 27.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.SUNDAR
and
THE HONOURABLE MR. JUSTICE HEMANT CHANDANGOUDAR

W.P.No.1467 of 2023
&
W.M.P.No.1562 of 2023

P.Dhanabackyam

... Petitioner

VS.

1. The State of Tamil Nadu
Rep. By its Secretary to Government
Revenue and Disaster Management Department
Secretariat, Fort St.George
Chennai – 600 009

2. The District Collector
District Collectorate Dharmapuri
Dharmapuri – 636 705

3. The Tahsildar – Nallampalli
Salem Main Road
Nallampalli
Dharmapuri – 636 807

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to

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issue a writ of mandamus forbearing the respondents from in any way taking coercive steps like locking, sealing or demolishing any part of the petitioner's property situated at S.No.658/12, Laligam (Narthampatti) Village, Dharmapuri West, Dharmapuri admeasuring 2145 sq.ft or any other coercive steps pending considerations of the petitioner's appeal before the second respondent dated 21.11.2022 bearing Petition No.4639105.

(Prayer amended vide order dated 27.06.2025 made in W.M.P.No.8658 of 2023)

For petitioner : Mr. G.Adithyaraj

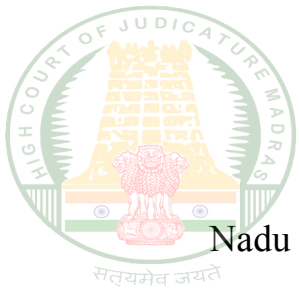
For respondents : Mr. T.K.Saravanan
Additional Government Pleader

ORDER

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

Subject matter of captioned main 'Writ Petition' ['WP' for the sake of brevity] is 'land comprised in S.No.658/12, Laligam (இலளிகம்) Village, Nallamballi Taluk, Dharmapuri District' [hereinafter 'said land' for the sake of brevity] and alleged encroachment qua said land by the writ petitioner's spouse one Mr.K.Purshothaman.

2. Alleging encroachment to an extent of 379 square meters qua said land, writ petitioner's spouse was visited with notices pertaining to proceedings under 'the Tamil Nadu Land Encroachment Act, 1905 (Tamil



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Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity} and 'R3 has issued/made notice/order dated 21.10.2022' {hereinafter 'impugned notice/order' for the sake of convenience/clarity}. Writ petitioner has resorted to statutory appeal qua impugned notice/order of R3 by filing a statutory appeal under Section 10 of said 1905 Act. To be noted, R2 is the Appellate Authority and statutory appeal is under active consideration of R2.

3. In the aforementioned circumstances, writ petitioner has come up with the captioned main WP with a prayer to mandamus respondents from forbearing them from taking coercive steps qua alleged encroachment by way of demolition or any other manner pending statutory appeal.

4. Learned State counsel for respondents very fairly submits that statutory appeal is in seizin qua R2 who is the Appellate Authority. The writ petitioner in the penultimate paragraph has made a prayer for interim stay pending statutory appeal, this will be treated as a stay petition under Section 10-B of said 1905 Act and orders will be passed in the same on its own merits and in accordance with law by R2 within three weeks from today i.e.,



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on or before 18.07.2025. This submission is recorded as an undertaking given to the Court.

5. This Court makes it clear that coercive action (if any and if that be so) as regards aforementioned alleged encroachment will be subject and depending upon the outcome of the orders in the stay petition to be made by R2 within three weeks from today i.e., on or before 18.07.2025. The orders made by R2 shall be served on the writ petitioner within five working days from the date of the order (served under due acknowledgment).

6. If the order in the stay petition is in favour of the writ petitioner, the main appeal will proceed on its own merits and in accordance with law and if the order in the stay petition is adverse to the writ petitioner, the same will be kept in abeyance for a fortnight to enable the writ petitioner to seek judicial review, if so advised and if so desired.

7. Captioned WP disposed of in the aforesaid manner. As we have made it clear that coercive action, if any will be subject to and depending on orders in the stay petition with a rider to keep in abeyance, if it is adverse to



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the writ petitioner, the captioned WMP has become otiose and the same is disposed of as closed. There shall be no order as to costs.

[M.S., J.]

[H.C., J.]

27.06.2025

gpa

Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order

To:

1. The Secretary to Government
Government of Tamil Nadu
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