



W.P. No.4685 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR
and
THE HONOURABLE MRS.JUSTICE K. GOVINDARAJAN THILAKAVADI

W.P. No.4685 of 2025 and W.M.P. No.5190 of 2025

K. Sivakumar

Petitioner

vs.

1. The District Collector
Kancheepuram District
Kancheepuram
2. The Tahsildar
Uthiramerur Taluk
Uthiramerur
Kancheepuram District
3. The Revenue Inspector
Arumpuliyur Firka
Uthiramerur Taluk
Kancheepuram District

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to dispose of the appeal dated 28.09.2024 of the petitioner under Section 10 of the Tamil Nadu Land Encroachment Act, 1905, in respect of 6,809 sq. meter of land in S.No.9/1, Orakkattupettai Village, Uthiramerur Taluk, Kancheepuram District, within a limited time frame.

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For petitioner Mr. D. Raja

ORDER

[made by M.SUNDAR, J.]

Captioned main 'writ petition' (hereinafter 'WP' for the sake of brevity) has been filed for issue of a writ of mandamus *qua* statutory appeal dated 28.09.2024 being statutory appeal (hereinafter 'said statutory appeal' for the sake of convenience and clarity) under Section 10 of 'the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' (for brevity 'said 1905 Act').

2. To be noted, R1 (District Collector, Kancheepuram) is the Appellate Authority as regards said statutory appeal. It is also to be noted that subject matter of appeal is 'land measuring 6,809 sq. m. and comprised in S.No.9/1 in Orakkattupettai Village, Uthiramerur Taluk, Kancheepuram District' (hereinafter 'said land' for the sake of convenience and clarity).

3. Mr. D. Raja, learned counsel on record for writ petitioner, submits that said statutory appeal is pending but writ petitioner is under pain of dispossession *qua* said land and requests this Court to



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mandamus R1 to dispose of said statutory appeal within a time frame.

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4. A careful perusal of said statutory appeal which has been placed before us brings to light that said statutory appeal has been filed with a delay and condonation of delay (COD) application is pending.

5. Disposal of said statutory appeal will depend on the volume of official business of R1 and therefore, this not being the sole function of R1, we are not inclined to accede to timeline mandamus plea.

6. Be that as it may, as regards writ petitioner being under pain of dispossession pending appeal, it is always open to the writ petitioner to seek interim order under Section 10-B of said 1905 Act. Though there is an averment regarding stay of operation of impugned order (in said statutory appeal), it is not clear as to whether the writ petitioner has resorted to Section 10-B.

7. In the light of the pendency of COD and owing to availability of interim order provision *vide* Section 10-B of said 1905



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Act, we are not inclined to accede to the prayer of the writ petitioner.

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8. The result is, captioned main WP fails to pass muster in the Admission Board and further sequitur is, captioned main WP is dismissed. Consequently, captioned writ miscellaneous petition (hereinafter 'WMP' for the sake of brevity) thereat also perishes with the captioned main WP. In other words, captioned WMP thereat is also dismissed. There shall be no order as to costs.

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

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cad	
Index	: Yes/No
NC	: Yes/No



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M.SUNDAR, J.

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