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W.P.No.3561 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2025

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

W.P.No.3561 of 2025

and

W.M.P.No.3939 of 2025

Balakrishnan .M

...Petitioner

Vs

1. State of Tamil Nadu
Rep. by the District Collector
Chennai District.
2. The Revenue Divisional Officer
(North Chennai Division)
Tondiarpet, Chennai-81.
3. The Tahsildar
Thiruvotriyur Taluk
No.304/936, T.H.Road
Ellaiamman Koil Street
Thiruvotriyur, Chennai-19.
4. The Zonal Officer,
Zone - 1
Greater Chennai Corporation

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Thiruvotriyur, Chennai-19.

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5. The Executive Engineer,
Zone-1
Greater Chennai Corporation Zonal Office - 01
No.945, T.H.Road, Thiruvottiyur,
Chennai-19.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to consider the petitioner's stay petition filed in the appeal in Tapal Number J15/2912179 expeditiously pending on the file of the first respondent.

For Petitioner	:	Mr.Manoj Sreevalsan
For Respondents	:	Mr.T.K.Saravanan Government Advocate for R1 to R3 Mr.G.T.Subramanian Standing Counsel, for R4 and R5

ORDER

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

Captioned 'Writ Petition' {hereinafter 'WP' for the sake of brevity, convenience and clarity} has been filed with a simple mandamus prayer qua a 'stay petition (stay petition under Section 10-B of 'the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity}) dated 20.01.2025' {hereinafter 'said stay



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'petition' for the sake of brevity, convenience and clarity} in a statutory appeal dated 20.01.2025 under Section 10 of said 1905 Act. To be noted, said statutory appeal has been filed before R1, who is the Appellate Authority and statutory appeal is directed against notice dated 28.12.2024 bearing reference Na.Ka.No.B1/1852/2024 under Section 7 of said 1905 Act and order dated 13.01.2025 bearing reference Na.Ka.No.B1/1852/2024 under Section 6 of said 1905 Act.

2. Mr.Manoj Sreevalsan, learned counsel on record for writ petitioner submits that while stay petition is pending, writ petitioner is under pain of dispossession / eviction and that has necessitated the captioned main WP.

3. Issue notice.

4. Mr.T.K.Saravanan, learned Government Advocate accepts notice for R1 to R3 and Mr.G.T.Subramanian, learned Standing Counsel accepts notice for R4 and R5.

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5. Learned State Counsel submits on instructions that R1 - Appellate

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Authority would dispose of said stay petition as expeditiously as the official business of R1 would permit but in any event, within three weeks from today i.e., on or before 24.02.2025.

6. Owing to the limited scope of the legal drill at hand, captioned main WP is taken up with the consent of learned counsel on both sides.

7. We make it clear that it is open to R1 to take up the said statutory appeal also as expeditiously as possible (even within this three weeks) if the official business of R1 permits but we also make it clear that we are not fixing any time frame for main statutory appeal.

8. Be that as it may, though it is only a corollary we make it clear that any coercive action will be subject to / depending on orders to be made in said stay petition.



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Captioned main WP disposed of recording the stated position of

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learned State Counsel. Consequently, captioned Writ Miscellaneous Petition

thereat disposed of as closed. There shall be no orders as to costs.

[M.S.,J.]

[K.G.T.,J.]

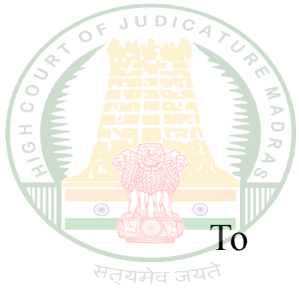
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Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order

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