



W.P.No.3374 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.3374 of 2025

and

W.M.P.No.3757 of 2025

S.Babu
S/o.Subramani

...Petitioner

Vs

1. The State of Tamil Nadu
Rep. by its Secretary to Government
Housing and Urban Development
Secretariat, Fort St.George,
Chennai-600 009.
2. The Director
Department of Town and Country Planning
Anna Salai, Chennai-600 002.
3. The District Collector
Chennai District
Chennai - 600 001.
4. The Commissioner
Corporation of Chennai

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Rippon Building, Chennai-600 003.

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5. The Tahsildar
Thiruvottiyur Taluk
Chennai District.

6. The Executive Engineer
Zone-01
Corporation of Chennai
Thiruvottiyur
Chennai-600 019.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 3rd respondent to dispose of the stay application in statutory appeal filed by petitioner on 21.01.2025 against notices dated 28.12.2024 and 13.01.2025 made in Na.Ka.No.B1/1852/2024 issued by the 5th respondent within a stipulated time.

For Petitioner	:	Mr.C.Prabakaran
For Respondents	:	Mr.T.K.Saravanan Government Advocate for R1, R2, R3 and R5 Mr.G.T.Subramanian Standing Counsel, for R4 and R6

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

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Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity}) dated 21.01.2025' {hereinafter 'said stay petition' for the sake of brevity, convenience and clarity} in a statutory appeal dated 21.01.2025 under Section 10 of said 1905 Act. To be noted, said statutory appeal has been filed before R3, 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.C.Prabakaran, 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, R2, R3 and R5 and Mr.G.T.Subramanian, learned Standing Counsel



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accepts notice for R4 and R6.

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5. Learned State Counsel submits on instructions that R3 - Appellate Authority would dispose of said stay petition as expeditiously as the official business of R3 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 R3 to take up the said statutory appeal also as expeditiously as possible (even within this three weeks) if the official business of R3 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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WEB COPY Captioned main WP disposed of recording the stated position of 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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To

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M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,

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