



WEB COPY



W.P.No.4952 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2025

CORAM

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

W.P.No.4952 of 2025
and
W.M.P. No.5498 of 2025 in W.P.No.4952 of 2025

M.Mahadevan

... Petitioner

Vs.

1.The District Collector,
District Collectorate,
Dharmapuri – 636 705.

2.The District Revenue Officer,
District Collectorate,
Dharmapuri – 636 705.

3.The Tahsildar,
Karagathahalli,
Palacode – 636 808.

4.The Revenue Inspector,
Marandahalli,
Dharmapuri District.

... Respondents

Writ Petition filed under Article 226 of The Constitution of India
praying to issue a Writ of Mandamus to dispose of the statutory appeal

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of the petitioner dated 24.12.2024 filed under Section 10 of the Tamil Nadu Land Encroachment Act, 1905 on the file of the first respondent.

For Petitioner : Mr.S.Indrajith

For Respondents : Mr.M.S.Arasakumar,
Government Advocate

ORDER

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

Captioned main 'Writ Petition' (hereinafter 'WP' for the sake of brevity) has been filed with a mandamus prayer qua statutory appeal dated 24.12.2024 (hereinafter 'said appeal' for the sake of convenience and clarity).

2. Mr.S.Indrajith, learned counsel for writ petitioner submits that said appeal is a statutory appeal under Section 10 of 'The Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity}' and the writ petitioner is under pain of dispossession pending appeal and that has necessitated the captioned WP with a prayer to mandamus R1 to dispose of the statutory appeal, is learned counsel's say.



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3. Issue notice to respondents.

4. Mr.M.S.Arasakumar, learned Government Advocate, who accepts notice for all four respondents submits on instructions that R1 will now dispose of said appeal in four weeks from today i.e., on or before 14.03.2025.

5. Owing to limited scope of the captioned main WP, main WP is taken up in the Admission Board with the consent of learned counsel on both sides.

6. We find that the writ petitioner has sought for a stay pending appeal vide Section 10-B of said 1905 Act in the appeal itself. Therefore, in the light of the stated position of learned State counsel, we make it clear that any coercive action will be subject to and depending on the outcome of the said appeal.

7. We make it clear that we have not expressed any view or opinion on the merits of the matter and the said appeal shall be heard and disposed of by the Appellate Authority i.e., R1 [District Collector, Dharmapuri] on its own merits and in accordance with law.

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8. Captioned WP is disposed of in the aforesaid manner. As we have written that further coercive action (if that be so) will be subject to and depending on the outcome of said appeal, captioned Writ Miscellaneous Petition (WMP) thereat has become otiose and the same is disposed of as closed. There shall be no order as to costs.

(M.S.,J.) (K.G.T.,J.)
14.02.2025

Index : Yes / No
Neutral Citation : Yes / No
mmi

To

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District Collectorate,
Dharmapuri – 636 705.
- 3.The Tahsildar,
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Palacode – 636 808.
- 4.The Revenue Inspector,
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Dharmapuri District.

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