



WEB COPY



W.P.No.4503 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MRS.JUSTICE **K.GOVINDARAJAN THILAKAVADI**

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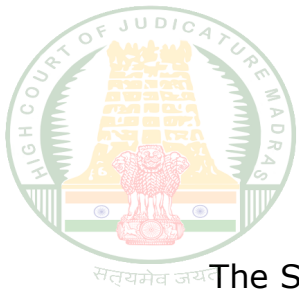
and

W.M.P. No.5022 of 2025 in W.P.No.4503 of 2025

- 1.Indhira
- 2.Baby
- 3.Poorani
- 4.Vedavalli
- 5.Selvi
- 6.Meenakshi
- 7.Dhanabakkiyam
- 8.Mahalakshmi
- 9.Vijayalakshmi
- 10.Parameshwari
- 11.Rajalakshmi
- 12.Manickaselvi
- 13.Rajeshwari
- 14.Selvi
- 15.Chithra
- 16.Manjuladevi
- 17.Ranjini
- 18.Rukmani
- 19.Vennila
- 20.Bhuvaneshwari
- 21.Gandhimathi
- 22.Kalaiselvi

... Petitioners

Vs.



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The State rep. By

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- 1.The District Collector,
O/o. District Collector Office,
Cuddalore District.
- 2.The District Revenue Officer,
O/o.District Revenue Office,
Cuddalore District.
- 3.The Superintendent of Police,
Cuddalore District,
Cuddalore.
- 4.The Tahsildar,
Tahsildar Office,
Cuddalore District.
- 5.The Village Administrative Officer,
Vellakarai Village,
Cuddalore Taluk,
Cuddalore District.

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus forbearing the respondents from taking coercive action by destorying the agricultural land and house situated at Survey No.207/2 at Vellakarai Madhura, Kodukkanpalayam, Cuddalore District until the first respondent to pass appropriate orders after giving personal hearing to them on the Appeal dated 05.02.2025 along with interim application filed thereon under Section 10 and 10-B of Tamil Nadu Land Encroachment Act, 1905.



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For Petitioners : Mr.R.Thirumoorthy and
Mr.S.Arunkumar

For Respondents : Mr.J.Ravindran,
Additional Advocate General
assisted by
Mr.T.K.Saravanan,
Government Advocate
for R1, R2, R4 and R5
Mr.A.Gokulakrishnan,
Additional Public Prosecutor
for R3

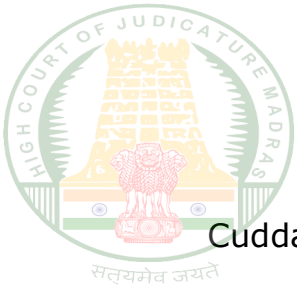
ORDER

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

There are 22 writ petitioners in the captioned main 'Writ Petition'
(hereinafter 'WP' for the sake of brevity).

2. Learned counsel Mr.R.Thirumoorthy (along with Mr.S.Arun
Kumar, learned counsel on record for writ petitioners) is before us.

3. Learned counsel for writ petitioners submits that subject
matter of captioned main WP is 'lands comprised in Survey No.207/2,
Vellakarai Madhura, Kodukkanpalayam Village, Cuddalore Taluk,



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Cuddalore District' (hereinafter 'said lands' for the sake of convenience and clarity).

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4. Learned counsel for writ petitioners submits that removal of encroachment action qua said lands was kick-started by State under 'The Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity}', after being show caused under Section 7 of said 1905 Act, orders under Section 6 were made by R4 (Tahsildar, Cuddalore District) and writ petitioners preferred independent statutory appeals to R1 (District Collector, Cuddalore District) inter-alia under Section 10 of said 1905 Act along with stay petitions under Section 10-B of said 1905 Act. Pending statutory appeals and stay petitions, writ petitioners are under pain of being removed and that has necessitated the captioned main WP, is learned counsel's say.

5. Issue notice to respondents. Mr.T.K.Saravanan learned State counsel accepts notice for R1, R2, R4 and R5 and Mr.A.Gokulakrishnan, learned Additional Public Prosecutor accepts notice for R3.



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6. Mr.J.Ravindran, learned senior counsel and Additional Advocate General appears on behalf of Mr.T.K.Saravanan, learned State counsel.

7. Learned Additional Advocate General on instructions submits that enquiry in the main statutory appeals is underway before R1 and that orders will be passed on the same within a fortnight from today i.e., by 24.02.2025. As stay petitions under Section 10-B of said 1905 Act are also pending, learned Additional Advocate General very fairly submitted that coercive action if any insofar as the writ petitioners are concerned will be subject to the outcome of the appeals. This submission is recorded.

8. In the light of the narrative thus far, the scope of captioned main WP has narrowed down considerably and therefore with the consent of learned counsel on both sides, main WP was taken up in the Admission Board.



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9. Owing to the narrative thus far, the following consent order is made:

9.1 The statutory appeals under Section 10 of said 1905 Act made by the writ petitioners (wrongly mentioned as Section 10-A as per the typed set of papers placed before us) shall be disposed of by R1 (District Collector, Cuddalore District) within a fortnight from today i.e., on or before 24.02.2025;

9.2 The orders made by R1 in the statutory appeals shall be duly served on the writ petitioners under due acknowledgment within five working days from the date of the orders;

9.3 Coercive action, if any, will be subject to and depending on the orders in the statutory appeals;

9.4 If statutory appeals are in favour of the writ petitioners that would be curtains on the matter. If the statutory appeals are not in favour of the writ petitioners,



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the order will be kept in abeyance for ten days from the date of service on the writ petitioners so as to enable the writ petitioners to avail the remedy of statutory revision under Section 10A(1)(c) along with stay petitions under Section 10-B, if so advised and if so desired. Though obvious, we make it clear that all questions are left open to be canvassed in the statutory appeals.

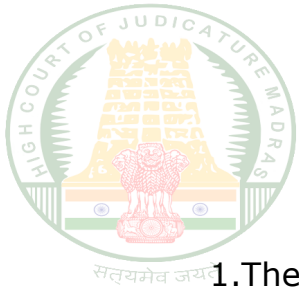
10. Captioned main WP is disposed of in the aforesaid manner vide this consent order. Consequently, connected Writ Miscellaneous Petition (WMP) is disposed of as closed. There shall be no order as to costs.

(M.S.,J.) (K.G.T.,J.)
10.02.2025

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Neutral Citation : Yes / No
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**M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,**

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