



WEB COPY



W.P.No.6139 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **K.RAJASEKAR**

W.P.No.6139 of 2021

M.Suresh

... Petitioner

Vs.

1.The District Collector,
Salem, Salem District.

2.The Tasildar,
Mettur Taluk, Salem District.

3.The Village Administrative Officer,
Pannvadi Post, Mettur Taluk,
Salem District.

4.E.Ramasamy
5.Santhi

6.The Block Development Officer,
Kolathur Panchayat Union,
Kolathur, Mettur Taluk,
Salem District.

... Respondents

(R6 impleaded vide order dated
18.03.2021 made in W.M.P.No.7654 of 2021
in W.P.No.6139 of 2021)



W.P.No.6139 of 2021

WEB COPY

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus to direct the respondents 1 to 3 to remove the illegal encroachment made by respondents 4 and 5 in cart track public road comprised in S.F. No.286/5, Dinnapatti Village, Mettur Taluk, Kolathur Sub-registration District and Salem District by considering the petitioner's representation dated 05.10.2020.

For Petitioner : Mr.K.Prabhakaran
For Respondents : Mr.T.K.Saravanan,
Government Advocate
for R1 to R3 and R6
Mr.S.Karthikei Balan for R4 & R5

ORDER

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

This order will now dispose of captioned main 'Writ Petition' (hereinafter 'WP' for the sake of brevity).

2. It is submitted that a statutory appeal is filed by R5 [Ms.Santhi, W/o.Mr.Ramasamy] being 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} is pending before R1 [District Collector, Salem District].

Page Nos.2/6



W.P.No.6139 of 2021

WEB COPY

3. Mr.T.K.Saravanan, learned State counsel submits that R1 will dispose of the aforementioned statutory appeal [to be noted, statutory appeal pertains to S.F.No.286/5, Dinnapatti Village, Mettur Taluk, Salem District - reference being Na.Ka.No.2597230/2024/K2] will be disposed of as expeditiously as the business of R1 would permit but in any event within four weeks from today i.e., on or before 03.02.2025.

4. We make it clear that all the rights and contentions of all the parties to the captioned main WP stand preserved and R1 shall decide the aforementioned appeal on its own merits, on the basis of documents and records before R1 and in accordance with law untrammelled by any observation in this order. For the sake of abundant specificity, we make it clear that we have not expressed any view or opinion on the merits of the matter.

5. This Court has repeatedly held that said 1905 Act is a self-contained Code. The reason *inter-alia* is that there is a provision to have the alleged encroacher show caused under Section 7 of said 1905



W.P.No.6139 of 2021

Act followed by an order (considering the cause shown). The order under Section 6 is appealable under Section 10 [District Collector is the appellate authority] and there is a provision for further revision to the Government under Section 10-A [Section 10-A(3) to be precise] of said 1905 Act. Pending appeal / revision, there is a provision for making interim prayer vide Section 10-B of said 1905 Act. Therefore, said 1905 Act is a self-contained Code in every sense of the expression.

6. Though obvious, we make it clear that any further proceedings shall be subject to/depending on the outcome of the appeal.

7. Captioned WP is disposed of, recording the stated position of learned State counsel albeit with aforementioned observation. There shall be no order as to costs.

(M.S.,J.) (K.R.S.,J.)
06.01.2025

Index : Yes / No
Neutral Citation : Yes / No

Page Nos.4/6



W.P.No.6139 of 2021

WEB COPY
To

- 1.The District Collector,
Salem, Salem District.
- 2.The Tasildar,
Mettur Taluk, Salem District.
- 3.The Village Administrative Officer,
Pannvadi Post, Mettur Taluk,
Salem District.
- 4.The Block Development Officer,
Kolathur Panchayat Union,
Kolathur, Mettur Taluk,
Salem District.



WEB COPY



W.P.No.6139 of 2021

**M.SUNDAR, J.,
and
K.RAJASEKAR, J.,**

mmi

W.P.No.6139 of 2021

06.01.2025

Page Nos.6/6