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W.P.No.5959 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2025

CORAM

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

W.P.No.5959 of 2025
and
W.M.P. No.6549 of 2025 in W.P. No.5959 of 2025

K.Palanisamy

... Petitioner

Vs.

1.The District Collector,
Tirupur District.

2.The District Revenue Officer,
Tirupur District.

3.The Revenue Divisional Officer,
Udumalpet, Tirupur District.

4.The Tahsildar,
Madathukulam Taluk,
Tirupur District.

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for records of the impugned notice in Na.Ka.No.3286/2024 dated 13.02.2025 passed by the fourth respondent, quash the same and to direct the respondents to conduct fresh enquiry after giving personal hearing opportunity to the petitioner.

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For Petitioner : Mr.R.Prabhu
For Respondents : Mr.T.K.Saravanan,
Additional Government Pleader

ORDER

[Order of the Court was made by **K.GOVINDARAJAN THILAKAVADI, J.,**]

Captioned writ petition has been filed with a prayer for writ of certiorarified mandamus assailing the impugned notice dated 13.02.2025 bearing reference Na.Ka.No.3286/2024 and for a consequential direction to the respondents to conduct fresh enquiry after giving an opportunity of personal hearing to the petitioner.

2. Mr.R.Prabhu, learned counsel for the writ petitioner submits that the petitioner is in possession of a land in Survey No.250, Thungavi Village, Madathukulam Taluk, Tirupur District and constructed a house. The petitioner filed a suit for declaration and injunction in O.S.No.22 of 2021 on the file of the District Munsif, Madathukulam seeking declaration of title in respect of A Schedule property by adverse possession. Pending suit, on 30.01.2025, the



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Revenue Inspector, Tiruppur issued a notice under Section 7 of 'The Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity}. Thereafter, the fourth respondent issued a notice/order under Section 6 of said 1905 Act, directing the petitioner to vacate the premises on or before 21.02.2025. Hence the writ petitioner is constrained to file the above writ petition, in which, on 20.02.2025, an order of interim stay was granted. The writ petitioner preferred an appeal along with stay petition under Sections 10 and 10-B of said 1905 Act respectively before the appellate authority i.e., the first respondent herein.

3. Mr.T.K.Saravanan, learned Additional Government Pleader on instructions submits that stay petition filed under Section 10-B of said 1905 Act will be taken up and disposed of within a period of three weeks i.e., on or before 11.04.2025.

4. Considering the stated position of the learned Additional Government Pleader, the following order is passed:

4.1 The first respondent is directed to dispose of the stay petition filed under Section 10-B of said 1905 Act



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within a period of three weeks from today i.e., on or before 11.04.2025 on its own merits and in accordance with law after giving sufficient opportunity to the writ petitioner to raise all his contentions;

4.2 A copy of order under Section 10-B of said 1905 Act shall be favoured to the writ petitioner within five working days from the date of order.

4.3 Any coercive action shall be subject to the outcome of the order passed under Section 10-B of said 1905 Act.

5. With the above observation and direction, captioned writ petition is disposed of. Consequently, connected writ miscellaneous petition is closed. There shall be no order as to costs.

(M.S.,J.) (K.G.T.,J.)
21.03.2025

Index : Yes / No
Neutral Citation : Yes / No
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To

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Tirupur District.
- 2.The District Revenue Officer,
Tirupur District.
- 3.The Revenue Divisional Officer,
Udumalpet, Tirupur District.
- 4.The Tahsildar,
Madathukulam Taluk,
Tirupur District.



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