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W.P.No.9599 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2025

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

and

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

W.P.No.9599 of 2025

K.M.Ramya

... Petitioner

Vs.

1.The District Collector,
Chennai District,
Chennai – 600 001.

2.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai – 600 003.

3.The Tahsildar,
Thiruvottiyur Taluk,
Thiruvottiyur,
Chennai – 600 019.

... Respondents

Writ Petition filed under Article 226 of The Constitution of India
praying to issue a Writ of Mandamus directing the Appellate Authority
cum District Collector, Chennai District, the first respondent herein to
expedite the statutory appeal filed under Section 10 of the Tamil Nadu

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Land Encroachment Act, 1905 on 10.02.2025 before the Appellate Authority cum District Collector, Chennai District the 1st respondent herein by the petitioner herein within a period as stipulated by this Court.

For Petitioner : Mr.L.Gavaskar
For Respondents : Mr.M.S.Arasakumar,
Government Advocate
for R1 and R3
Mr.S.Gopinathan,
Standing Counsel for R2

ORDER

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

Nucleus of captioned main 'Writ Petition' (hereinafter 'WP' for the sake of brevity) is a statutory appeal dated 10.02.2025 (filed on the same day) being statutory appeal filed 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} pending with R1 [District Collector, Chennai District]. To be noted, under Section 10 of said 1905 Act, R1 is the Appellate Authority.



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2. Mr.L.Gavaskar, learned counsel on record for writ petitioner submitted that the writ petitioner is under pain of imminent dispossession/demolition pending statutory appeal and that has necessitated captioned main WP with a prayer to mandamus R1 to expedite disposal of statutory appeal.

3. Issue notice to respondents.

4. Mr.M.S.Arasakumar, learned Government Advocate accepts notice for R1 and R3 and Mr.S.Gopinathan, learned Standing Counsel accepts notice for R2.

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

6. Learned State counsel on instructions submits that the statutory appeal has already been taken up for hearing and enquiry is now fixed on 27.03.2025. To be noted, learned counsel for writ petitioner fairly submits that hearing notice has been received and the writ petitioner will participate in the enquiry on 27.03.2025.

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7. We also find that the writ petitioner along with aforesaid statutory appeal has sought for stay pending statutory appeal by filing a petition under Section 10-B of said 1905 Act and the same is also pending.

8. In the aforementioned circumstances, Mr.M.S.Arasakumar, learned Government Advocate for R1 and R3 submits that R1/Appellate Authority will now dispose of the main statutory appeal within three weeks from today i.e., on or before 14.04.2025. This submission is recorded.

9. Learned State counsel also submits on instructions that further coercive action (if any and if that be so) qua property that is subject matter of statutory appeal shall be subject to and depending on the outcome of the statutory appeal. This submission is also recorded. To be noted, this Court finds that recording of this submission douses the anxiety of the writ petitioner. This means that a closure can be given to the captioned WP.



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10. Ergo, sequitur is, captioned main WP is disposed of as closed recording the aforementioned stated position of learned State counsel.

There shall be no order as to costs.

(M.S.,J.) (K.G.T.,J.)
24.03.2025

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

To

- 1.The District Collector,
Chennai District,
Chennai – 600 001.
- 2.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai – 600 003.
- 3.The Tahsildar,
Thiruvottiyur Taluk,
Thiruvottiyur,
Chennai – 600 019.



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

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