



W.P.No.9706 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 26.03.2025

CORAM

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

and

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

W.P.No.9706 of 2025

S.Thangavel

S/o.Semmalai

... Petitioner

vs.

1. The District Collector

O/o.District Collector

Cuddalore District

2. The Thasildhar

O/o.Thittakudi Thasildhar

Cuddalore District

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents or his agent, men's not to take any coercive steps as per the order dated 28.01.2025 issued by the second respondent under Section 6 of Tamil Nadu Land Encroachment Act, 1905 until dispose of the appeal dated 13.02.2025.

For Petitioner : Mr.P.Muthamizhselvakumar

For Respondents : Mr.T.K.Saravanan
Additional Government Pleader



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ORDER

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

Captioned writ petition has been filed with a mandamus prayer to forbear the respondents from taking any coercive action for removal of alleged encroachment till the disposal of the appeal filed by the petitioner dated 13.02.2025.

2. According to the petitioner, land in Survey Nos.49 and 52, Kaatukottai Lakshmanapuram Village, Thittakudi Taluk, Cuddalore District, which is classified as "Government Unclaimed Land" is in possession and occupation of the writ petitioner. The writ petitioner has sent representation to the second respondent (Thasildhar, Thittakudi Taluk, Cuddalore District) for issuance of patta in favour of the writ petitioner. While so, on 26.10.2024, the second respondent 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} calling upon the writ petitioner to show cause as to why the encroachment made by the writ petitioner should not be removed which was followed by an order under Section 6 of said 1905 Act. Aggrieved by the same, the petitioner preferred

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an appeal before the first respondent under Section 10(1)(a) of said 1905 of Act along with the stay petition under Section 10-B of said 1905 Act. The further submission of the learned counsel for writ petitioner is that he had also filed a suit for permanent injunction in O.S.No.67 of 2016 which is pending before the District Munsif, Thittakudi. While the said suit is pending, the second respondent herein is attempting to evict the petitioner. Hence, the writ petitioner has preferred the present writ petition.

3. Issue notice to respondents.

4. Mr.T.K.Saravanan, learned Additional Government Pleader accepts notice for respondents and submits that the stay petition filed along with the appeal will be considered and disposed of by first respondent within a period of one week.

5. In view of the above stated position of the learned State counsel, the following order is made:

i) The first respondent is directed to dispose of the stay petition filed by the writ petitioner under Section 10-B of said 1905 Act within a period of one week from today i.e., on or before 02.04.2025 on its own merits and in accordance with



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law. Any coercive action shall be subject to the outcome of the

orders passed under Section 10-B of the said 1905 Act;

(ii) 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;

(iii) The first respondent is also directed to dispose of the appeal as expeditiously as possible on its own merits and in accordance with law.

6. With the above direction, the writ petition stands disposed of.

There shall be no order as to costs.

(M.S.,J.)

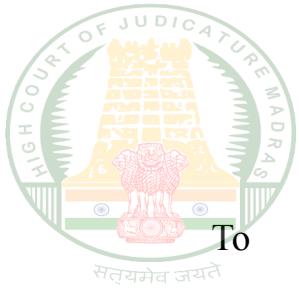
(K.G.T.,J.)

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Index : Yes/No

Neutral Citation : Yes/No

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To

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Cuddalore District
2. The Thasildhar
O/o.Thittakudi Thasildhar
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K.GOVINDARAJAN THILAKAVADI, J.,**

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