



W.P. No.7864 of 2025

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2025

CORAM:

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

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M. Kalaiselvi

Petitioner

vs.

1. The District Collector
Collector Office
Salem
Salem District
2. The District Revenue Officer
Salem District
3. The Tahsildar
Aattur Taluk & Post
Salem District
4. The Block Development Officer
Aattur Taluk & Post
Salem District
5. The Inspector of Police
Attur Police Station
Salem District

Respondents

Writ Petition filed under Article 226 of the Constitution of India
seeking a writ of mandamus forbearing the respondents and their
men, agents or servants from interfering with the petitioner's peaceful

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possession of the ryotwari punjai land comprised in S.Nos.240/2 and 240/5 situated at Pungavadi Village, Attur Taluk, Salem District, having an extent of 1,219.1/2 sq. ft. till the disposal of the appeal dated 30.12.2024 filed under Section 10 of the Tamil Nadu Land Encroachment Act, 1905 received by the first respondent on 31.12.2024.

For petitioner Mr. C. Harish

ORDER

[made by K. GOVINDARAJAN THILAKAVADI, J.]

This writ petition has been filed seeking a writ of mandamus forbearing the respondents from interfering with the petitioner's peaceful possession and enjoyment of the land comprised in S.Nos.240/2 and 240/5 situate at Pungavadi Village, Attur Taluk, Salem District which is to an extent of 1,219 and odd sq. ft.

2. Even according to Mr. C. Harish, learned counsel for writ petitioner, against the action being taken by respondents 3 and 4 for removal of alleged encroachment in the aforesaid survey numbers, the writ petitioner has moved an appeal before the Appellate Authority under Section 10 of the Tamil Nadu Land Encroachment Act (for short "the Act") on 30.12.2024 and pending the said appeal, the respondents are



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taking active steps to evict the petitioner, which has necessitated the writ petitioner to file the instant writ petition with the aforesaid relief.

3. At the outset, it is pertinent to point out that this Court has, time and again, held that the said 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 the 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). Pending appeal / revision, there is a provision for making interim prayer *vide* Section 10-B of the Act. Therefore, the Act is a self contained Code in every sense of the expression.

4. Concededly, as noticed above, without taking recourse to Section 10-B of the Act by filing an application seeking stay till the disposal of the appeal filed under Section 10, the writ petitioner has filed the instant writ petition. On this short and solitary ground itself, we are not inclined to entertain this writ petition.



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Resultantly, this writ petition fails and is accordingly dismissed as being devoid of merits. There shall be no order as to costs.

(M.S., J.) (K.G.T., J.)
06.03.2025

cad	
Index	: Yes/No
NC	: Yes/No



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To:

1. The Commissioner
Corporation of Avadi
Avadi Corporation Office
N.M. Road, Avadi, Chennai 600 054
2. The Tahsildar
Modern City
Deena Dayalan Nagar
Pattabiram, Chennai 600 054
3. The Secretary
Tamil Nadu Slum Clearance Board
I Main Road
VOC Nagar
Anna Nagar East
Chennai 600 010



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M.SUNDAR, J.

and

K. GOVINDARAJAN THILAKAVADI, J.

cad

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