



W.P.No.8570 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2025

CORAM

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

and

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

W.P.No.8570 of 2025

and

W.M.P. No.9587 of 2025 in W.P. No.8570 of 2025

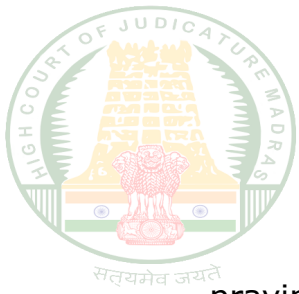
- 1.Soundram
- 2.Kanagaraj
- 3.Bhoopathi

... Petitioners

Vs.

- 1.The Additional Chief Secretary to Government,
Revenue and Disaster Management Department,
Fort St. George, Chennai – 600 009.
- 2.The District Collector,
Salem District, Salem.
- 3.The Tahsildar,
Office of Tahsildar,
Salem.
- 4.The Revenue Divisional Officer,
Salem.
- 5.The Revenue Inspector,
Panamarathupatti,
Salem.

... Respondents



W.P.No.8570 of 2025

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus to direct the first respondent herein to dispose of the revision dated 21.02.2025 filed under Section 10A of The Tamil Nadu Land Encroachment Act, 1905, pending on its file, challenging the order dated 07.02.2025 passed by the second respondent vide Na.Ka.No.2153699/2024/K4 as expeditiously as possible on merits, within a time frame as may be fixed by this Court.

For Petitioners : Mr.R.Vivek

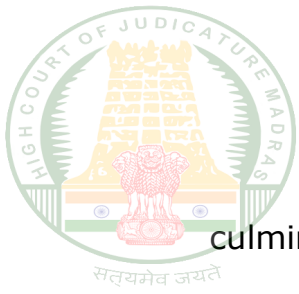
For Respondents : Mr.M.S.Arasakumar,
Government Advocate

ORDER

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

A statutory revision filed under Section 10-A of 'The Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity}' is the nucleus of the captioned main 'Writ Petition' (hereinafter 'WP' for the sake of brevity).

2. Mr.R.Vivek, learned counsel on record for writ petitioners submits that removal of encroachment proceedings under said 1905 Act were initiated against the writ petitioners and the same



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culminated in a order dated 07.02.2025 bearing reference Na.Ka.No.2153699/2024/K4 made by R2 [District Collector, Salem] in a statutory appeal under Section 10 of said 1905 Act. A statutory revision is available vide Section 10-A of said 1905 Act as against 07.02.2025 order made by R2/Appellate Authority. Writ petitioners have availed of the same by filing a statutory revision dated 19.02.2025 along with a stay petition under Section 10-B of said 1905 Act, with a prayer for stay pending decision in the statutory revision. To be noted, stay petition is also dated 19.02.2025 and the same has been filed along with main statutory revision petition. The revisional authority is R1 [Additional Chief Secretary to Government, Revenue and Disaster Management Department, Fort St. George, Chennai – 9] and the statutory revision along with stay petition dated 19.02.2025 has been duly filed on 21.02.2025.

3. Pending statutory revision and stay petition, the respondents are attempting to dispossess the writ petitioners and that has necessitated the captioned main WP, is learned counsel's say.



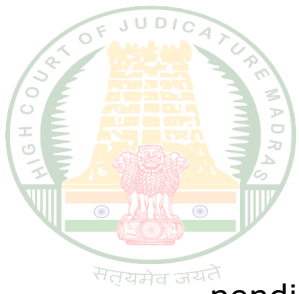
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4. Before proceeding further, it is necessary to record that this Court pointed out to the learned counsel for writ petitioners that statutory revision and stay petition have been filed only on 21.02.2025 and the captioned main WP has been filed in this Court on 04.03.2025 after merely six working days. Faced with this situation, learned counsel for writ petitioners submitted that he abridges the prayer and restricts request for disposal of the stay petition alone. This submission is recorded.

5. Issue notice to respondents.

6. Mr.M.S.Arasakumar, learned Government Advocate accepts notice for respondents and submits on instructions that the stay petition dated 19.02.2025 (filed on 21.02.2025) under Section 10-B of said 1905 Act will be disposed of by R1 within a fortnight from today i.e., on or before 26.03.2025. This submission narrows down the scope of the captioned main WP vastly and therefore, with the consent of learned counsel for writ petitioners and learned State counsel, captioned main WP is taken up in the Admission Board and the following order is made:

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6.1 Stay petition dated 19.02.2025 (filed on 21.02.2025) pending with R1 shall be disposed of on its own merits and in accordance with law as expeditiously as the official business of R1 would permit but in any event on or before 26.03.2025. For the sake of convenience and clarity, we deem it appropriate to scan and reproduce the stay petition and the acknowledgement. The same are as follows:

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BEFORE THE ADDL. CHIEF SECRETARY TO GOVERNMENT,
REVENUE & DISASTER MANAGEMENT DEPARTMENT,
FORT ST. GEORGE, CHENNAI – 600 009

~~Filed against~~ Order dated 07.02.2025 passed by the District Collector,
Salem vide Na.Ka.No.2153699/2024/K4)

Revision. No. of 2025

1. Soundram,
S/o. Perumal,

2. Kanagaraj
S/o. Soundram

3. Bhoopathi
S/o. Soundram
All residing at
Kullappanaickanoor,
Thippampatti,
Salem 636 204. ...Petitioners

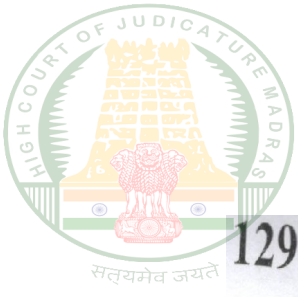
Versus

1. The District Collector,
Salem.

2. The Tahsildar,
Office of Tahsildar,
Salem.

3. The Revenue Divisional Officer,
Salem.

4. The Revenue Inspector,
Panamarathupatti,
Salem. ...Respondents



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**INTERIM STAY PETITION UNDER SECTION 10(B) OF THE
TAMIL NADU LAND ENCROACHMENT ACT, 1905**

For the reasons stated in the revision, it is most respectfully prayed that this Hon'ble Authority may be pleased to issue an interim order restraining the Respondents from taking further action in consonance with the order passed by the 1st Respondent in Na.Ka.No.2153699/2024/K4 dated 07.02.2025, pending disposal of this present Revision and thus render justice.

Dated at Chennai on this the 19th day of February 2025

Counsel for Petitioners



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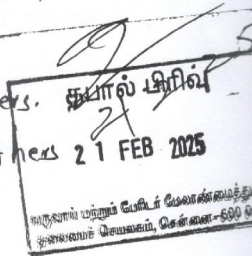
From:

S. Senthil, B.A.B.L.,
Advocate,
E.V.S Towers, II - Floor,
New No.35, Dr. Radhakrishnan Salai,
Mylapore, Chennai - 600 004.

To: The Secretary to Government,
Revenue and Disaster Management Department,
Fort St. George,
Chennai - 600 009.

Ref: Filing of Petition against Order Passed by
District Collector Salem dated on 7.2.2025.

Petitioners: Soundram and 2 others.
Respondent: District Collector and 2 others (Salem).





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6.2 Any coercive action qua writ petitioners as regards the properties which are subject matter of the aforementioned statutory revision petition dated 19.02.2025 (filed on 21.02.2025) shall be subject to and depending on the outcome of the stay petition;

6.3 The order in the stay petition shall be duly served on each of the writ petitioners under due acknowledgement within five working days from the date on which the order is made;

6.4 If the order in the stay petition is adverse to the writ petitioners, the same shall be kept in abeyance for ten days from the date of service of the orders (orders in stay petition) on the writ petitioners so as to enable the writ petitioners to seek/pursue the remedies which may be available to the writ petitioners under law. If the orders in the stay petition are in favour of writ petitioners, all that would remain is hearing out the same revision petition on its own merits and in accordance with law;



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6.5 We make it clear that we are not fixing any time frame for disposal of the main revision petition but we deem it appropriate to write that same shall be disposed of as expeditiously as the official business of R1 would permit on its own merits and in accordance with law and we further make it clear that we have not expressed any view or opinion regarding encroachment in this order.

7. Captioned WP is disposed of in the aforesaid manner. As we have made the order saying that coercive action (if any) shall be subject to and depending on the outcome of the stay petition, captioned Writ Miscellaneous Petition (WMP) thereat become otiose and the same is disposed of as closed. There shall be no order as to costs.

(M.S.,J.) (K.G.T.,J.)
12.03.2025

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

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Revenue and Disaster Management Department,
Fort St. George, Chennai – 600 009.
- 2.The District Collector,
Salem District, Salem.
- 3.The Tahsildar,
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**M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,**

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