



W.P.No.10515 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2025

CORAM

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

and

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

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and

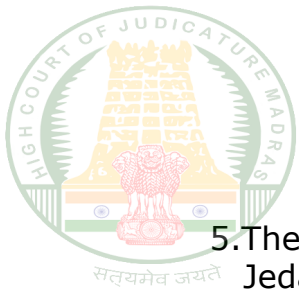
W.M.P. No.11834 of 2025 in W.P. No.10515 of 2025

Magudapathy

... Petitioner

Vs.

- 1.The District Collector,
Office of the District Collector,
Tiruchengode Road,
Namakkal District.
- 2.The District Revenue Officer,
Namakkal District,
Namakkal District Collectorate,
Tiruchengode Road,
Namakkal.
- 3.The Revenue Divisional Officer,
Tiruchengode Taluk,
Paramathi Velur Road,
Tiruchengode,
Namakkal District.
- 4.The Tahsildar,
Paramathi Velur Taluk,
Namakkal District.



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5. The Revenue Inspector,
Jedarpalayam,
Paramathi Velur Taluk,
Namakkal District.

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the first respondent to dispose of the Appeal dated 04.02.2025 filed by the petitioner under /Section 10 of the Tamil Nadu Encroachment Act, 1905, challenging the order dated 27.01.2025 passed by the fourth respondent herein on merits, as expeditiously as possible, within a time frame as may be fixed by this Court.

For Petitioner : Mr.R.Vivek

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 mandamus prayer directing the first respondent to dispose of the appeal dated 04.02.2025 filed by the writ petitioner 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}, challenging the order dated 27.01.2025 passed by the fourth respondent herein.

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2. According to the writ petitioner, he owns a 'land comprised in Survey No.211/6 at Kothamangalam Village, Rasipuram Taluk, Namakkal District' (hereinafter 'said land' for the sake of convenience and clarity) and he approached the second respondent for issuance of patta in respect of 16 cents of land situated between the northern side of S.No.211/6 and the southern side of S.No.211/5. The fourth respondent and third respondent made recommendation to the second respondent to issue patta in favour of the writ petitioner. However, the authorities are attempting to forcibly evict the writ petitioner from the said land and therefore, the writ petitioner and his son filed suits in O.S.No.450 of 2024 before the Principal District Court, Namakkal, O.S.No.170 of 2024 before the Sub Court, Paramathi and O.S.No.97 of 2024 before the District Munsif Court, Paramathi against the Government authorities and the same are pending trial. While so, one Mr.T.Bakthavachalam filed a writ petition in W.P. No.18580 of 2024 against the petitioner and three others alleging that the writ petitioner has encroached a cart track in Survey No.211/1. This Court by order dated 11.07.2024 directed the authorities to consider the representation and pass orders on merits within a period of eight



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weeks. Thereafter, the fourth respondent herein issued notice dated 06.08.2024 calling upon the writ petitioner to appear for enquiry for which the writ petitioner submitted a detailed reply on 10.08.2024. However, the third respondent by his proceedings dated 19.12.2024 refused to accept the reply given by the writ petitioner and held that the writ petitioner has encroached the said land. On 24.12.2024, the fifth respondent herein issued show cause notice under Section 7 of said 1905 Act calling upon the writ petitioner to show cause for which the writ petitioner submitted his explanation dated 03.01.2025. However, without considering the same, order under Section 6 of said 1905 Act was issued on 27.01.2025 directing the writ petitioner to remove the alleged encroachment in the said land. Aggrieved over the same, writ petitioner preferred an appeal on 04.02.2025 before the first respondent under Section 10 along with stay petition under Section 10-B of the said 1905 Act. Since no steps were taken by the first respondent to dispose of the stay petition and the appeal expeditiously, writ petitioner is constrained to file the present writ petition.

3. Issue notice to respondents.



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4. Mr.T.K.Saravanan, learned Additional Government Pleader accepts notice for official respondents.

5. Considering the limited scope of the captioned writ petition, the main writ petition is taken up in the Admission Board with the consent of learned counsel on both sides.

6. Learned Additional Government Pleader submits on instructions that the stay petition will be disposed of by R1 within a period of three weeks from today.

7. Considering the above stated position of the learned Additional Government Pleader, the following order is made:

7.1 The first respondent is directed to dispose of stay petition filed by the writ petitioner under Section 10-B of said 1905 Act within a period of three weeks from today i.e., on or before 14.04.2025 on its own merits and in accordance with law.



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7.2 The copy of order in the stay petition shall be served on the writ petitioner within five working days from the date of order. Until then, no coercive action shall be taken;

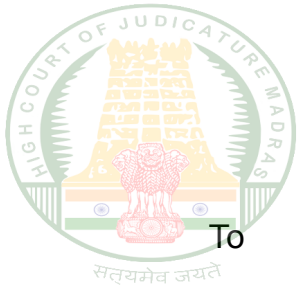
7.3 The appeal filed by the petitioner shall be disposed of as expeditiously as possible. We make it clear that all the rights and contentions of the writ petitioner are preserved to be canvassed in the appeal before the appellate authority.

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

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

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Neutral Citation : Yes / No
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To

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