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W.P.No.11289 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2025

CORAM

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

and

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

W.P.No.11289 of 2025

and

W.M.P. No.12731 of 2025 in W.P. No.11289 of 2025

Veronica

... Petitioner

Vs.

- 1.The District Collector,
O/o.The District Collector,
Kancheepuram District.
- 2.The Revenue Divisional Officer,
O/o.Revenue Divisional Officer,
Walajabad Taluk, Kancheepuram District.
- 3.The Tahsildar,
O/o.The Tahsildar,
Walajabad Taluk, Kancheepuram District.
- 4.The Revenue Inspector,
Thenneri Circle (Kuruvattam),
Walajabad Taluk, Kancheepuram District.

5.B.Sharmila

... Respondents

Writ Petition filed under Article 226 of The Constitution of India
praying to issue a Writ of Mandamus directing the first respondent to

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grant an order of stay of the order dated 03.03.2025 passed by the third respondent herein pending disposal of the statutory appeal dated 11.03.2025 filed under Section 10(a) of the Act in terms of Section 10-B of the Act.

For Petitioner : Mr.G.Ethirajulu
For Respondents : Mr.T.K.Saravanan,
Additional Government Pleader
for R1 to R4

ORDER

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

An order signed on 03.03.2025 by R3 [Tahsildar, Walajabad Taluk, Kancheepuram District] being an order under Section 6 of 'The Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity} has been assailed by the writ petitioner by way of a statutory appeal under Section 10 of said 1905 Act. This statutory appeal is dated 10.03.2025.

2. Mr.G.Ethirajulu, learned counsel on record for writ petitioner submits that the statutory appeal has been received by R1/Appellate Authority on 12.03.2025. Learned counsel further submits along with statutory appeal, a stay petition seeking stay pending appeal was filed, the same is pending but the writ petitioner is under pain of



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dispossession/demolition. This has necessitated the captioned main WP is learned counsel's further say.

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3. Issue notice to official respondents.

4. Mr.T.K.Saravanan, learned Additional Government Pleader accepts notice for official respondents/R1 to R4 and makes the following submissions:

(a) the prayer in the captioned WP is for a direction to R1 to grant stay and such a prayer is impermissible;

(b) the stay petition dated 09.03.2025 at page no.60 of the typed set of papers has not been received by R1.

5. Learned counsel for writ petitioner advertent to speed post with acknowledgement track report at page no.63 of the typed set of papers submits that the statutory appeal and stay petition have been received by R1 on 12.03.2025.



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6. This Court is of the considered opinion that it may really not be necessary to go into this dispute as the stay petition has now been placed before this Court as part of the typed set of papers and a scanned reproduction of the same is as follows:

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BEFORE THE DISTRICT COLLECTOR OF KANCHEEPURAM

Application No. of 2025
in
APPEAL No. of 2025
Against
(Order dated 03.03.2025 passed by the 1st respondent)

Mrs. Veronica,
W/o Late Irudhayaraj,
245, Kadai Street,
Ottathangal Village,
Walajabad Taluk,
Kancheepuram District ... Applicant/Appellant

1. The Tashildar,
Walajabad Taluk,
Kancheepuram District.

2. The Revenue Inspector,
Thenneri Circle, (Kuruvattam),
Walajabad Taluk,
Kancheepuram District ... Respondents/Respondents

**STAY PETITION UNDER SECTION 10-B OF THE TAMILNADU LAND
ENCROACHMENT ACT, 1905**

For the reasons stated in the accompanying affidavit, it is prayed that this Learned Appellate authority may be pleased to stay the operation of the order dated 03.03.2025 passed by the 1st respondent in terms of Section 10-B of the Tamil Nadu Land Encroachment Act, 1905 pending disposal of this statutory appeal and thus render justice.

Dated at Chennai on this the 9th day of March, 2025

Counsel for Applicant/Appellant



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7. As regards the prayer to direct R1 to grant stay, we have no hesitation in writing that there cannot be a direction to grant stay but there can certainly be a direction to dispose of the stay petition on its own merits and in accordance with law and a time frame can be fixed for the same. In this regard, learned State counsel fairly submits that the stay petition (scanned and reproduced supra) will be disposed of by R1 as expeditiously as the official business of R1 would permit but in any event within three weeks from today i.e., on or before 17.04.2025.

8. We make it clear that the stay petition shall be disposed of by R1 on its own merits and in accordance with law and we have not expressed any view or opinion on the merits of the matter one way or the other.

9. The order disposing of the stay petition in the aforesaid manner shall be communicated to the writ petitioner under due acknowledgment within five working days from the date of order.



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10. This Court makes it clear that coercive action (if any and if at all that be so) will be subject to and depending on the outcome of the stay petition.

11. As regards R5/private respondent, this order does not in any manner touch upon the rights of R5, on the contrary, we make it clear that rights of R5 (if any) are preserved. Therefore, there is no impediment in dispensing with notice to R5 and taking up the main WP in the Admission Board with the consent of learned counsel for writ petitioner and learned State counsel. We do so.

12. In the light of the narrative thus far, the following order is made:

12.1 Stay petition pending statutory appeal under Section 10 of said 1905 Act shall be disposed of on its own merits and in accordance with law by R1 on or before 17.04.2025;

12.2 Order disposing of the stay petition shall be communicated by R1 to writ petitioner under due acknowledgment within five working days from the date



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of order;

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12.3 Coercive action (if any and if that be so) shall be subject to and depending on the outcome of the stay petition;

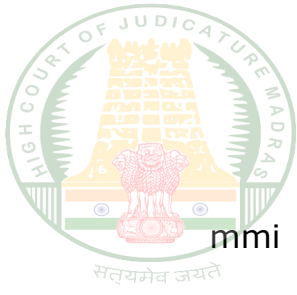
12.4 As regards R5, rights of R5 (if any) are preserved and this order does not touch upon the rights of R5 on the contrary rights of R5 (if any) stand preserved and the same will remain untrammelled by this order.

13. Captioned WP is disposed of in the aforesaid manner with the aforementioned directives, observations and preservation of rights. Consequently, captioned Writ Miscellaneous Petition (WMP) thereat is disposed of as closed having become otiose as we have made it clear that coercive action (if any and if that be so) shall be subject to and depending on the outcome of the stay petition. There shall be no order as to costs.

(M.S.,J.) (K.G.T.,J.)
27.03.2025

Index : Yes / No
Neutral Citation : Yes/No

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To

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O/o.The District Collector,
Kancheepuram District.
- 2.The Revenue Divisional Officer,
O/o.Revenue Divisional Officer,
Walajabad Taluk, Kancheepuram District.
- 3.The Tahsildar,
O/o.The Tahsildar,
Walajabad Taluk, Kancheepuram District.
- 4.The Revenue Inspector,
Thenneri Circle (Kuruvattam),
Walajabad Taluk, Kancheepuram District.

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

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