



W.P.No.17716 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2025

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

and

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.17716 of 2025

T.Periyasami

... Petitioner

Vs.

1.The Secretary,
Revenue and Disaster Management Department,
Chepauk, Chennai.

2.The District Collector,
Collectorate, Salem – 636 001.

3.The Revenue Divisional Officer,
O/o. Revenue Divisional Office,
District Office Complex,
Salem – 636 001.

4.The Deputy Tahsildar,
Head Quarters,
Tahsildhar Office,
Manakadu, Astampatti,
Salem – 636 007.

5.The Revenue Surveyor,
Manakadu, Astampatti,
Salem – 636 007.

6.Ponnupaiyan

... Respondents

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Writ Petition filed under Article 226 of The Constitution of India
praying to issue a Writ of Mandamus directing the first respondent to
dispose the Revision Petition filed by the sixth respondent within a
time frame.

For Petitioner : Ms.S.Agalya

For Respondents : Mr.M.S.Arasakumar,
Government Advocate
for R1 to R5

ORDER

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

This order will now dispose of captioned main 'Writ Petition'
[hereinafter 'WP' for the sake of brevity].

2. This order has to be read in conjunction with and in
continuation of earlier proceedings made in the previous listing on
02.06.2025 which reads as follows:



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'W.P.No.17716 of 2025

M.SUNDAR, J.,
and
HEMANT CHANDANGOUDAR, J.,

(Order of the Court was made by **M.SUNDAR, J.,**)

Writ petitioner seeks removal of encroachment qua 'S.Nos.3/21 and 3/15 at Karumuttikadu, Mookuthipalayam, via - Mallur Village, Salem District' {hereinafter 'said lands' for the sake of brevity, convenience and clarity}.

2. Writ petitioner earlier came to this Court by way of a writ petition in W.P.No.26677 of 2021, which was disposed of by another Hon'ble Division Bench vide order dated 22.02.2024 recording that a statutory appeal 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} was dismissed (appeal of Ponnupaiyan, who is R6 before us) and a further revision has been filed.

3. Learned counsel for writ petitioner submits that citing pendency of the statutory revision, removal of encroachment is being delayed.

4. Issue notice to official respondents i.e., R1 to R5.

5. Mr.T.K.Saravanan, learned Additional Government Pleader, accepts notice for official respondents [R1 to R5] and requests for a short accommodation to get instructions inter alia on the following:

(i) Whether statutory revision under Section 10-A of said 1905 Act filed by R6 is pending with R1 (Revisional Authority);



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(ii) *Whether a stay petition under Section 10-B of said 1905 Act has been filed and if yes, whether any orders have been made thereat.*

6. To enable learned State Counsel to get instructions, list this matter a fortnight hence in the Admission Board i.e., Motion List under the cause list caption 'NOTICE REGARDING ADMISSION' on 16.06.2025.'

3. Ms.S.Agalya, learned counsel on record for writ petitioner and Mr.M.S.Arasakumar, learned Government Advocate for official respondents/R1 to R5 are before us.

4. Adverting to aforementioned earlier proceedings dated 02.06.2025, learned State counsel submits that a statutory revision dated 01.09.2022 is filed by one R.Thirupathi and four others, interim order under Section 10-B 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 granted (pending revision), interim order is operating and learned State counsel adds that the statutory revision will be disposed of by the revisional authority/R1 as expeditiously as the business of R1 permits but in any event within fourteen weeks from today i.e., on or before 22.09.2025.



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5. We make it clear that all the rights and contentions of R6/private respondent, revision petitioners (R.Thirupathi and four others) will all stand preserved and will not be impacted in any manner by this order. Therefore, we take up the main WP in the Admission Board with the consent of learned State counsel and learned counsel for writ petitioners.

6. Though obvious we make it clear that the aforementioned statutory revision shall be disposed of by R1 on its own merits and in accordance with law within the aforementioned time frame indicated by the learned State counsel on instructions from R1/revisional authority which is being recorded as an undertaking given to this Court.

7. Considering the facts and circumstances of the case and nature of the matter, we are of the considered view that it will suffice to record the stated position of the learned State counsel to give a closure to the captioned matter. We do so.



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8. Captioned WP is disposed of as closed recording the stated position of learned State counsel. There shall be no order as to costs.

(M.S.,J.)

(H.C.,J.)

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Index : Yes / No

Neutral Citation : Yes / No

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To

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