



W.P.No.19188 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2025

CORAM

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

and

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.19188 of 2025

M.Kalaiselvi

... Petitioner

Vs.

1.The District Collector,
Collector Office,
Salem, Salem District.

2.The District Revenue Officer,
Salem District.

3.The Tahsildhar,
Aattur Taluk and Post,
Salem District.

4.The Block Development Officer,
Aattur Taluk and 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
praying to issue a Writ of Mandamus forbearing the respondents and
their men, agents or servants from interfering with the petitioner's

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peaceful possession of the Ryotwari Punjai land comprised in S.Nos.240/2 & 240/5 situated at Pungavadi Village, Attur Taluk, Salem District, having an extent of 1219.1/2 sq.ft. pending disposal of the stay petition dated 08.03.2025 filed in appeal dated 30.12.2024 under Section 10-B of the TN Land Encroachment Act, 1905, received by the first respondent on 10.03.2025.

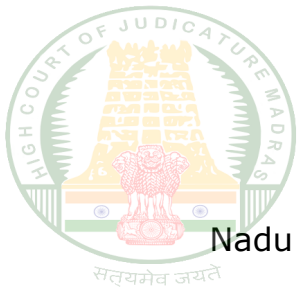
For Petitioner : Mr.C.Harish

For Respondents : Mr.K.Suresh,
Government Advocate
for R1 to R3
Mr.S.Yashwanth,
Additional Government Pleader
for R4
Mr.S.Santhosh,
Government Advocate (Crl. Side)
for R5

ORDER

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

Captioned main 'Writ Petition' (hereinafter 'WP' for the sake of brevity) has been filed for issue of a writ of mandamus *qua* statutory appeal dated 30.12.2024 being statutory appeal (hereinafter 'said statutory appeal' for the sake of convenience and clarity) under Section 10 of 'the Tamil Nadu Land Encroachment Act, 1905 (Tamil



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Nadu Act III of 1905)' (for brevity 'said 1905 Act') assailing the notice dated 13.12.2024 issued by R3 (Tahsildar, Attur, Salem District).

2. To be noted, R1 (District Collector, Salem) is the Appellate Authority as regards said statutory appeal. It is also to be noted that subject matter of appeal is the land measuring an extent of 1219.1/2 sq.ft. in Survey Nos.240/2 & 240/5 situated at Pungavadi Village, Attur Taluk, Salem District.

3. Mr. C.Harish, learned counsel on record for writ petitioner, submits that along with said statutory appeal, petition filed under Section 10-B of said 1905 Act seeking stay, is also pending.

4. Issue notice to respondents for the present.

5. Mr. K. Suresh, learned Government Advocate, accepts notice for R1 to R3, Mr.S.Yashwanth, learned Additional Government Pleader accepts notice for R4 and Mr.S.Santhosh, learned Government Advocate (Crl. Side) accepts notice for R5.



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6. Owing to the limited scope of captioned WP, with the consent of learned counsel on both sides, captioned WP was taken up in the Admission Board.

7. Learned State counsel submits that the aforereferred stay petition will be disposed of by R1 within a period of three weeks from today *i.e.*, on or before 24.06.2025.

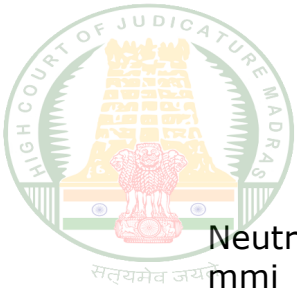
8. The aforesaid submission of learned State counsel is recorded. We make it clear that coercive action, if any, shall be subject to outcome of the stay petition.

9. Captioned WP stands disposed of in the aforesaid manner by recording the aforesaid submission made by learned State counsel. There shall be no order as to costs.

(M.S.,J.) (H.C.,J.)
03.06.2025

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Neutral Citation : Yes / No
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To

- 1.The District Collector,
Collector Office,
Salem, Salem District.
- 2.The District Revenue Officer,
Salem District.
- 3.The Tahsildhar,
Aattur Taluk and Post,
Salem District.
- 4.The Block Development Officer,
Aattur Taluk and Post,
Salem District.
- 5.The Inspector of Police,
Attur Police Station,
Salem District.
- 6.The Public Prosecutor,
High Court, Madras.



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

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