



W.P.No.14112 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2025

CORAM

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

and

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

W.P.No.14112 of 2025

and

W.M.P No.15861 of 2025 in W.P. No.14112 of 2025

N.Kubendran

rep. By his Power Agent and Son

K.Tamilselvan

... Petitioner

VS.

1.The Secretary to Government of Tamil Nadu,
Revenue and Disaster Management Department,
Secretariat, St. George Fort, Chennai – 600 009.

2.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

3.The District Revenue Officer,
Thiruvannamalai District,
Thiruvannamalai.

4.The Revenue Divisional Officer,
Thiruvannamalai Division,
Thiruvannamalai.

5.The Tahsildar,
Thiruvannamalai Taluk,
Thiruvannamalai.



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6.The Revenue Inspector,
Thiruvannamalai Taluk,
Thiruvannamalai.

7.The Village Administrative Officer,
Thiruvannamalai,
Thiruvannamalai District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to impugned final notice issued by the fifth respondent in G1/5581/2022 dated 07.04.2025 under the Tamil Nadu Land Encroachment Act, 1905, quash the same and consequently direct the first respondent to consider the revision petition filed by the petitioner on 20.02.2025.

For Petitioner : Mr.N.Elumalai

For Respondents : Mr.T.K.Saravanan,
Additional Government Pleader

ORDER

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

Captioned 'Writ Petition' (hereinafter 'WP' for the sake of brevity) has been filed with a prayer for issue of a writ of certiorarified mandamus.

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2. In and vide the certiorari limb of the prayer, a 'notice dated 07.04.2025 bearing reference G1/5581/2022 issued by R5 (Tahsildar, Thiruvannamalai Taluk, Thiruvannamalai)' has been assailed and this notice shall be referred to as 'impugned notice' for the sake of brevity, convenience and clarity.

3. In the impugned notice, there is a reference to an order dated 12.02.2022 made in W.P.No.26336 of 2019 but copy of the order has not been filed as part of the typed set of papers though the order has been duly uploaded in the official website of this Court (it is also seen that the correct date of the order is 12.02.2021 and not 12.02.2022). Therefore, in the interest of justice, this Court ferreted out the order from the official website and a scanned reproduction of the order is as follows:



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W.P.No.14112 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:12.02.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.26336 of 2019

Srinivasa Alaya Neernilai Meetpui Arakkattalai,
No.59, Kattabomman Street,
Tiruvannamalai-606 601,
rep. by its Founder K.Vijayamurugan

Petitioner

Vs

1.The District Collector,
District Collectorate,
Tiruvannamalai-606 604.

2.The District Revenue Officer,
District Collectorate,
Tiruvannamalai-606 604.

3.The Commissioner,
Municipal Office,
Tiruvannamalai-606 601.

4.The Revenue Divisional Officer,
Revenue Divisional Office,
Tiruvannamalai-606 601.

5.The Thasildar,
Taluk Office,
Tiruvannamalai-606 601.

Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to consider the petitioner's representation dated 8.8.2019 and to the 1st respondent to remove the encroachments and demolish the unlawful constructions in the above said ponds and subsequently to allow petitioner trust dredging the above said ponds.

For Petitioner : Mr.K.Gangadaran

For Respondents : Ms.K.J.Radhika
Government Advocate

<https://hcservices.ecourts.gov.in/hcservices/>



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ORDER

(Order of the Court was made by
SENTHILKUMAR RAMAMOORTHY, J.)

The writ petitioner seeks a direction to the respondents to remove the encroachments made in Poruladam Kulam, VEDIYAPPAN Kulam and Pillai Kulam located in Tiruvannamalai by demolishing the unlawful constructions made thereon. The petitioner states that a representation was given in this regard on 08.08.2019, but no action has been taken thereon.

2. In several cases of this nature, this Court observed that it is not inclined to exercise discretionary jurisdiction in public interest litigation unless the matter involves significant public interest.

3. Accordingly, without examining the merits of the representation dated 08.08.2019, the official respondents concerned are directed to dispose of the same by a speaking order within a period of six weeks from the date of receipt of a copy of this order, after providing a reasonable opportunity to the affected parties. In the event the petitioner is aggrieved by such decision, it is open to the petitioner to pursue its remedies in accordance with law, otherwise than by a public interest litigation, after establishing its locus standi in that regard.

4. W.P.No.26336 of 2019 is disposed of on the above terms. There will be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//
Sub Assistant Registrar

sasi

To:

- 1.The District Collector,
District Collectorate,
Tiruvannamalai-606 604.
- 2.The District Revenue Officer,
District Collectorate,
Tiruvannamalai-606 604.

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4. Mr.N.Elumalai, learned counsel on record for writ petitioner submits that a statutory revision dated 19.02.2025 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} along with stay petition under Section 10-B of said 1905 Act is pending with R1 but pending statutory revision and stay petition, impugned notice has been issued by R5. Learned counsel adverting to the acknowledgement from the office of R1, submitted that the statutory revision and the stay petition have been duly received by the office of R1 on 20.02.2025.

5. Issue notice to respondents.

6. Mr.T.K.Saravanan, learned Additional Government Pleader accepts notice for all seven respondents and submits on instructions that the impugned notice was issued by R5 without being aware of the pendency of the statutory revision and stay petition before R1. This makes the task of disposal of the captioned WP fairly simple and therefore, with the consent of learned counsel on both sides, captioned main WP is taken up in the Admission Board.

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7. Statutory revision under Section 10-A of said 1905 Act is a statutory right vested in the writ petitioner and there is a provision for prayer for stay pending statutory revision vide Section 10-B of said 1905 Act and the same has also been invoked. Therefore, pending statutory revision and stay petition, coercive action cannot be precipitated. We are interfering with the impugned notice on this short point.

8. In the light of the narrative, discussion and dispositive reasoning thus far, the following order is made:

8.1 Impugned notice being notice dated 07.04.2025 bearing reference G1/5581/2022 issued by R5 (Tahsildar, Thiruvannamalai Taluk, Thiruvannamalai) is set aside for the present;

8.2 It is made clear that it is open to R5 to issue notice afresh subject to disposal of stay petition in the aforementioned statutory revision which is pending with R1;



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8.3 R1 shall dispose of the stay petition under Section 10-B of said 1905 Act (stay petition dated 19.02.2025) as expeditiously as the business of R1 permits but in any event within four weeks from today i.e., on or before 20.05.2025;

8.4 This Court makes it clear that no time frame is fixed for disposal of the main statutory revision as that will be subject to the official business of R1;

8.5 Subject to the outcome of the stay petition, impugned notice can be resuscitated by issuing notice afresh or by issuing the same notice again;

8.6 If the outcome of the stay petition is in favour of the writ petitioner, then what will remain is disposal of the main revision but if the outcome of the stay petition is adverse to the writ petitioner, the order shall be kept in abeyance for a fortnight from the date of service of the



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*order on the writ petitioner so as to enable the writ
petitioner to workout his remedies in accordance with law.*

9. Captioned main WP is disposed of in the aforesaid manner. As we have made it clear that coercive action shall be subject to orders in the stay petition under Section 10-B of said 1905 Act with a rider of same being kept in abeyance if it is adverse to the writ petitioner, captioned Writ Miscellaneous Petition (WMP) thereat has 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.)
22.04.2025

Index : Yes/No
Neutral Citation: Yes/No
mmi

To

- 1.The Secretary to Government of Tamil Nadu,
Revenue and Disaster Management Department,
Secretariat, St. George Fort, Chennai – 600 009.
- 2.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

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- 3.The District Revenue Officer,
Thiruvannamalai District,
Thiruvannamalai.
- 4.The Revenue Divisional Officer,
Thiruvannamalai Division,
Thiruvannamalai.
- 5.The Tahsildar,
Thiruvannamalai Taluk,
Thiruvannamalai.
- 6.The Revenue Inspector,
Thiruvannamalai Taluk,
Thiruvannamalai.
- 7.The Village Administrative Officer,
Thiruvannamalai,
Thiruvannamalai District.



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

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