



W.P.No.16140 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 30.04.2025

CORAM

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

and

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

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&

W.M.P No.18273 of 2025

1. Deepa
W/o.Kannan
2. Kalyani
W/o.Padmaraj
3. Shanthi
W/o.Rajendran
4. Gowri
W/o.Rajendran
5. Jayasanthakumari @ Shanthi
W/o.Sugumar

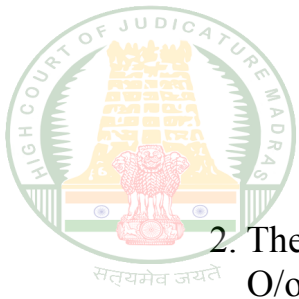
... Petitioners

VS.

The State rep. By

1. The District Collector
O/o.District Collector Office
Chengalpattu District

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2. The District Revenue Officer
O/o.District Revenue Office
Chengalpattu District

3. The Tahsildar
Tahsildar Office
Tambaram
Chengalpattu District

4. The Revenue Inspector
Revenue Inspector Office
Madampakkam
Tambaram Taluk
Chengalpattu District

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondents from taking coercive action by destroying the house property of the petitioners enclosed in the annexure until the first respondent pass appropriate orders after giving personal hearing to the petitioners and others on the Appeal dated 21.04.2025 along with an interim application filed thereon under Section 10 and 10-B of Tamil Nadu Land Encroachment Act,1905.

For Petitioners : Mr.R.Thirumoorthy

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



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ORDER

WEB COPY [Order of the Court was made by **K.GOVINDARAJAN THILAKAVADI, J.,**]

This writ petition has been filed seeking issuance of a writ of mandamus forbearing the respondents from taking coercive action by destroying the house property of the petitioners until the first respondent passes appropriate orders after giving personal hearing to the petitioners and others in the Appeal dated 21.04.2025 under Section 10 along with an interim application filed thereat 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 convenience].

2. The learned counsel for writ petitioners submits that the writ petitioners are living in S.No.194/11, which is classified as 'Grama Natham' in the revenue records, but fourth respondent herein, misconstruing that writ petitioners' residences are situate in S.No.228, which is classified as a 'Pond', issued notice under Section 7 of the said 1905 Act on 26.12.2024 without conducting any field verification in and by which the writ petitioners were asked to show cause on or before 09.01.2025 as to why



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they should not be evicted. The writ petitioners submitted separate explanations dated 27.12.2024 to the respondents 3 and 4. However, without considering the explanations submitted by the writ petitioners, the third respondent passed the impugned order dated 08.02.2025.

3. The writ petitioners filed separate appeals dated 21.04.2025 under Section 10 of said 1905 Act along with stay petitions under Section 10-B of said 1905 Act and the appeals were received in the office of the first respondent on the same day, which are still pending before the first respondent. Since no orders have been passed in the said appeals and the stay petitions, the writ petitioners are before this Court with the present writ petition.

4. Issue notice to the respondents.

5. Mr.T.K.Saravanan, learned Additional Government Pleader accepts notice for all four respondents.

6. Mr.T.K.Saravanan, learned State counsel submits that the stay applications filed by the petitioners will be considered and orders will be passed within a period of two weeks.



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7. In view of the above stated position of the learned State counsel,

we deem it appropriate to pass the following order:

i) The first respondent shall pass orders in the stay petitions filed by the writ petitioners on their own merits and in accordance with law within a period of two weeks i.e., on or before 14.05.2025 after giving opportunity to the writ petitioners;

ii) The orders passed in the stay petitions shall be served on the writ petitioners within five working days from the date of the said orders and if the orders are adverse to the writ petitioners, the same shall be kept in abeyance for ten days enabling the writ petitioners to approach the appropriate forum for further relief;

iii) Coercive action, if any, shall be subject to and depending on the outcome of the stay petitions;



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With the above observation and directions, captioned writ petition

stands disposed of. Consequently, connected miscellaneous petition is closed.

(M.S.,J.)

(K.G.T.,J.)

30.04.2025

Index : Yes/No

Neutral Citation : Yes/No

gpa

To

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

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**30.04.2025
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