



W.P.No.21534 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 19.06.2025

CORAM

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

and

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

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&W.M.P.No.24302 of 2025

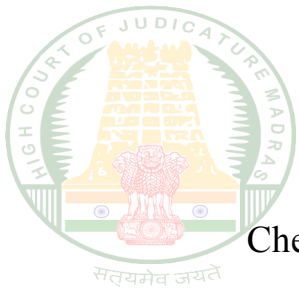
Kings International Medical Academy Pvt. Ltd.,
Represented by its Authorised Signatory
Mr.Daniel Athistakumar
Having its Registered Office at
No.122, East Coast Road
Poonjeri Village
Mamallapuram - 603 104

... Petitioner

Vs.

1. The Commissioner of Land Administration
Chepauk
Chennai - 600 005
2. The District Collector
Chengalpattu District
Chennai - 603 001
3. The Revenue Divisional Officer
Chengalpattu Division
Chengalpattu - 603 001
4. The Tahsildar
Thirukkazhukundram Taluk

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Chengalpattu District

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5. The Executive Officer
Mamallapuram Town Panchayat
Mamallapuram - 603 104

6. The Revenue Inspector
Mamallapuram - 603 104

7. P.N.Rajkumar

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying to issue Writ of Certiorari by calling for the records leading to the issuance of the order dated 02.06.2025 bearing Proc. No.T1/10317467/2025 passed by the 1st respondent and quash the same.

For Petitioner : Mr.B.Arvind Srevatsa

For Respondents : Mr.T.K.Saravanan
Additional Government Pleader
for R1 to R4 & R6
Mr.P.Ganesan
Government Advocate for R5

ORDER

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

Captioned main 'Writ Petition' ['WP' for the sake of brevity] has been filed with a prayer seeking issue of writ of certiorari qua 'order dated 02.06.2025 bearing reference Proc.No.T1/10317467/2025 passed by the first respondent' [hereinafter 'impugned order' for the sake of convenience



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and clarity].

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2. Mr.B.Arvind Srevatsa, learned counsel for writ petitioner adverting to the impugned order submits that it has been made in an interim application 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} wherein a prayer was made for stay of the order made by R2 in an appeal under Section 10 of said 1905 Act. Learned counsel submits that the impugned order merely says that there is no ground to interfere with the orders of the District Collector as the lands have been classified as 'Sarkar Pormaboke-Vannankuttai' and on that basis dismissed the stay petition.

3. Issue notice to official respondents.

4. Mr.T.K.Saravanan, learned Additional Government Pleader accepts notice for official respondents and submitted that the impugned order has been made by R1 by examining the files and considering the merits of the matter.



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5. Before proceeding further, this Court deems it appropriate to record that this Court has been informed that R7 (private respondent) triggered the entire proceedings by filing a writ petition with a prayer for removal of encroachment. This Court makes it clear that this order will not impact the rights and contentions (if any) of R7 and on the contrary, all the rights and contentions of R7 will remain protected and on this basis, notice to R7 is dispensed with and main WP is taken up with the consent of learned counsel for writ petitioner and learned State counsel for the official respondents.

6. As regards Section 10-B of said 1905 Act, the same reads as follows:

'10B. Stay pending decision in appeal or revision. - Pending the disposal of any appeal or application or proceedings for revision under this Act, the Collector, the District Collector, the Appellate Authority the [Commissioner of Land Administration] or the State Government, as the case may be, may by order, and subject to such conditions as may be specified therein, stay the execution of the decision or order appealed against or sought to be revised.'

7. A careful perusal of Section 10-B of said 1905 Act makes it clear that it is a provision intended to enable an appellant or a revision petitioner



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to seek stay of the impugned order so that the matters are not precipitated by

way of dispossession or demolition pending appeal or revision. This means

that the parameters for deciding an application under Section 10-B of said

1905 Act would be *prima facie* case, balance of convenience and

irreversible legal injury. It is also noticed by this Court that Section 10-B

enables both the Appellate Authority as well as Revisional Authority [in this

case the Revisional Authority (R1)] to impose conditions and grant even a

conditional stay but in the impugned order we find that R1 has dismissed

the stay petition by way of a terse order by merely adverting to revenue

classification of the land in question. One other aspect of the matter is, in

and vide the impugned order, R1 appears to have expressed an opinion on

the merits of the main matter. Merits of the main matter, if at all and if the

same is looked into in 10-B legal drill, can only result in expression of some

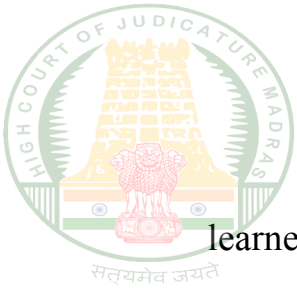
prima facie opinion or *prima facie* view but not articulation of a conclusive

view qua main revision itself.

8. Be that as it may, we are informed that the main revision is now

scheduled for hearing on 26.06.2025. Learned State counsel submits that

hearing notice has been sent to the revision petitioner/writ petitioner and



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learned counsel for writ petitioner, on instructions, confirms that hearing notice has been received.

9. In the light of the narrative, discussion and dispositive reasoning set out supra, we are of the considered view that the impugned order deserves to be dislodged. It is being dislodged for reasons about which there is allusion supra.

10. Now that the impugned order is being dislodged, the following order is being made:

i) Impugned order is set aside and captioned writ petition is allowed i.e., certiorari prayer is acceded to;

ii) There shall be no coercive action by the respondents till the disposal of the main revision petition which is now scheduled to be heard out on 26.06.2025;

iii) The order to be made by R1 (Revisional Authority) in the main revision shall be served on the writ petitioner under due acknowledgment within 7 working days from the date of the order;



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iv) If the order is in favour of the writ petitioner/revision petitioner, that will be curtains on the matter but if the order is adverse to the writ petitioner/revision petitioner, the same shall be kept in abeyance for a fortnight from the date of service of the order on the writ petitioner to enable the writ petitioner to seek judicial review, if so advised and if so desired;

v) If the writ petitioner does not avail judicial review, the order so made by R1 shall be resuscitated and set in motion in accordance with law;

vi) The main revision shall now be heard out on its own merits and in accordance with law untrammelled by this order and without reference to the impugned order which now stands effaced by issue of writ of certiorari.

Captioned writ petition allowed in the aforesaid manner with aforementioned observations and directives. As we have made it clear that coercive action, if any, shall only be subject to outcome of the revision petition with a rider that the same will be kept in abeyance for a fortnight if



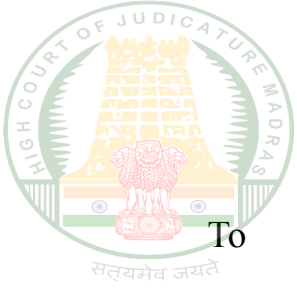
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it is adverse to the writ petitioner, the WMP prayer has become otiose and

the same is closed. There shall be no order as to costs.

(M.S.,J.) (H.C.,J.)
19.06.2025

Index : Yes / No
Neutral Citation : Yes / No
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**M.SUNDAR, J.,
and
HEMANT CHANDANGOUDAR, J.,**

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