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W.P.No.23972 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2025

CORAM

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

and

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.23972 of 2025

and

W.M.P. No.26956 of 2025 in W.P.No.23972 of 2025

- 1.Deepa
- 2.Kalyani
- 3.Shanthi
- 4.Gowri
- 5.Jayasanthakumari @ Shanthi

... Petitioners

Vs.

The State rep. By

- 1.The District Collector,
O/o.District Collector Office,
Chengalpattu District.
- 2.The Tahsildar,
Tahsildar Office,
Tambaram, Chengalpattu District.
- 3.The Revenue Inspector,
Revenue Inspector Office,
Madampakkam,
Tambaram Taluk,
Chengalpattu District.

... Respondents



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Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order dated 09.06.2025 passed by the first respondent vide proceedings in Na.Ka.5640/2025/A3 which was served to the petitioners on 12.06.2025 for directing the second respondent to remove the encroachment and to quash the same and consequently direct the respondents not to disturb the house property of the petitioners enclosed in the annexure.

For Petitioners : Mr.S.Arunkumar

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 Certiorarified Mandamus. Certiorari limb of the prayer assails an 'order dated 09.06.2025 bearing reference Na.Ka.5640/2025/A3 made by R1 [District Collector, Chengalpattu]' {hereinafter 'impugned order' for the sake of convenience and clarity}. Mandamus limb of the prayer is to



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mandamus R2 to remove encroachment and not to disturb the house property of the writ petitioners.

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2. The impugned order made by R1 is an order against which revision lies. In other words, there is effective and efficacious alternate remedy. The revision qua impugned order of R1 is 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}. There is no dispute that impugned order was served on the writ petitioners on 12.06.2025. This means that writ petitioners have time till 12.07.2025 [vide Section 11(2) of said 1905 Act].

3. Mr.S.Arunkumar, learned counsel on record for writ petitioners sought leave of this Court to withdraw the captioned WP and captioned Writ Miscellaneous Petition (WMP) thereat but made a plea to preserve the rights of the writ petitioners to file a statutory revision before the competent authority. He has also made an endorsement in the case file and a scanned reproduction of the same is as follows:



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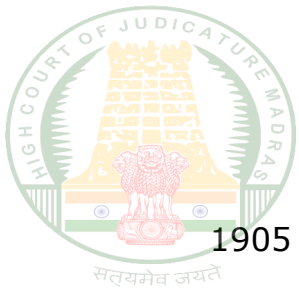


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03.07.2025.
W.P. NO. 23972 of 2025
and W.M.P. NO. 26954/2025
W.M.P. NO. 26956/2025
May permit to withdrawal
with liberty to file Revision
before Competent Authority.
S. Arunkumar 3/7/2025
Counsel for petitioners
S. ARUNKUMAR 5013/2021

4. The original impugned order shall be returned to learned counsel for writ petitioners under due acknowledgement to enable the writ petitioners to pursue the alternate remedy of statutory revision.

5. All the rights and contentions of writ petitioners (including the contentions raised in the captioned WP) are preserved for being raised in the statutory revision under Section 10-A of said 1905 Act which learned counsel for writ petitioners says will be filed on or before 12.07.2025 along with a stay petition under Section 10-B of said 1905 Act. Though obvious, we make it clear that under Section 11(2) of said



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1905 Act, 30 days time is available to writ petitioners to file a statutory revision and coercive action, if any, shall be only after 30 days elapses i.e., after 12.07.2025. In the interregnum, if writ petitioners file a revision petition along with a stay petition under Section 10-B of said 1905 Act, coercive action if any will be subject to the outcome of Section 10-B petition. The revisional authority shall consider the statutory revision petition under Section 10-A of said 1905 Act on its own merits and in accordance with law, untrammelled by withdrawal of captioned WP.

6. In the light of the narrative thus far, captioned WP and captioned WMP thereat are disposed of as closed/withdrawn albeit preserving all the rights and contentions of the writ petitioners in the aforesaid manner. There shall be no order as to costs.

(M.S.,J.) (H.C.,J.)
03.07.2025

Index : Yes / No
Neutral Citation : Yes / No
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P.S.:UPLOAD FORTHWITH

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

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To

- 1.The District Collector,
O/o.District Collector Office,
Chengalpattu District.
- 2.The Tahsildar,
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