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W.P.No.28129 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.SUNDAR
and

THE HONOURABLE MR. JUSTICE HEMANT CHANDANGOUDAR

W.P.No.28129 of 2025 and W.M.P. No.31562 of 2025

T. Karthikeyan

Petitioner

vs.

1. The District Collector
Nagapattinam
Nagapattinam District
2. The Revenue Divisional Officer
Vedaranyam
Vedaranyam Taluk
Nagapattinam District
3. The Tahsildar
Vedaranyam
Vedaranyam Taluk
Nagapattinam District
4. The Revenue Inspector
Karappampulam
Vedaranyam Taluk
Nagapattinam District
5. The Secretary to Government
Revenue & Disaster Management Department
Fort St. George
Chennai 600 009

Respondents

(R5 impleaded *suo motu* today)



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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 in relation to the eviction order passed by the first respondent in Na.Ka.No.1857/2025/Ooo4 dated 23.06.2025 and the endorsement order in Na.Ka.No.1857/2025/F4 dated 24.06.2025 and quash the same and consequently, direct the first respondent to issue house site patta to the petitioner in Survey No.463/2, 0.19.0 ares, Thiruvasal Kulam, Government poramboke in Neivilakku Village, Vedaranyam Taluk, Nagapattinam District.

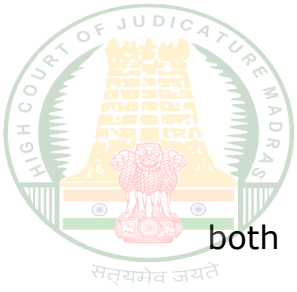
For petitioner Mr. V. Kasinatha Bharathi
For respondents Mr. T.K. Saravanan
Addl. Govt. Pleader

ORDER

[made by M.SUNDAR, J.]

Captioned main 'writ petition' [hereinafter 'WP' for the sake of brevity] has been filed with a prayer for issue of a writ of certiorarified mandamus.

2. In and *vide* certiorari limb of the prayer, two orders, one dated 23.06.2025 (bearing reference Na.Ka.1857/2025/Ooo4) and another dated 24.06.2025 (bearing reference Na.Ka.1857/2025/F4),

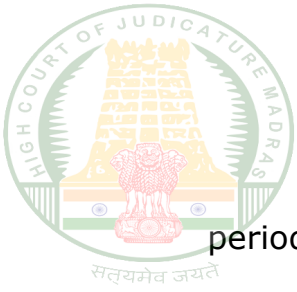


W.P.No.28129 of 2025

both made by R1 (District Collector), have been assailed. These 23.06.2025 and 24.06.2025 orders shall hereinafter be referred to as 'first impugned order' and 'second impugned order' respectively for the sake of convenience and clarity.

3. As regards the mandamus limb, writ petitioner has made a plea to mandamus R1 to issue house site patta to writ petitioner for land measuring 0.19.0 ares in Survey No.463/2, Thiruvasal Kulam, Government poramboke in Neivilakku Village, Vedaranyam Taluk, Nagapattinam District. According to the writ petitioner, the mandamus limb is a consequential prayer *i.e.*, consequential *qua* certiorari limb and therefore, a writ of certiorarified mandamus has been sought.

4. The first impugned order has been made by R1 in the capacity of Appellate Authority under Section 10 of 'the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' [hereinafter 'said 1905 Act' for the sake of convenience and clarity], thereagainst, writ petitioner has a right of statutory revision under Section 10-A of said 1905 Act, 30 days time is provided for statutory revision *vide* Section 11(2) of said 1905 Act but even before this



W.P.No.28129 of 2025

period had elapsed, writ petitioner was visited with the second impugned order. To be noted, it is the specific say of learned counsel for writ petitioner that first impugned order and second impugned order were served on the writ petitioner on the same day *i.e.*, 30.06.2025.

5. Issue notice to respondents.

6. Mr. T.K. Saravanan, learned Additional Government Pleader, accepts notice for RR 1 to 4 and submits that if the writ petitioner prefers statutory revision, the same will be considered by the Revisional Authority but the writ petitioner has not done so.

7. Considering the limited scope of the case at hand, captioned main WP was taken up with the consent of learned counsel on both sides.

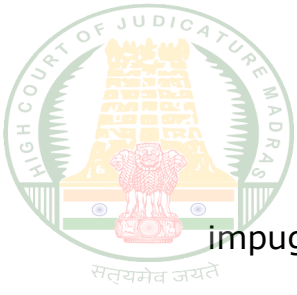
8. Writ petitioner has a right of statutory revision *qua* first impugned order and writ petitioner has time till today (30.07.2025). Along with statutory revision, writ petitioner has a right to seek interim



W.P.No.28129 of 2025

stay of first impugned order, pending revision *vide* Section 10-B of said 1905 Act. Learned counsel for writ petitioner submits that he has instructions from writ petitioner to prefer statutory revision under Section 10-A along with a stay petition under Section 10-B of said 1905 Act. This submission is recorded. Learned counsel for writ petitioner submits that the writ petitioner had to rush to this Court owing to the second impugned order which was served on him along with the first impugned order on the same day *i.e.*, 30.06.2025.

9. In the operative portion of this order *infra*, we will be resorting to Section 14 of the Limitation Act, 1963, excluding the time spent by the writ petitioner in the captioned main WP but we make it clear that this will not serve as a precedent in all cases of similar nature, inasmuch as, in the instant case, there are three reasons for us to resort to Section 14 of the Limitation Act. One is, the writ petition itself has been filed well within the 30 days period for revision *i.e.*, on 02.07.2025. The second reason is more important and that is, the writ petition has been brought up for admission on board on the 30th day before the limitation period lapsed. The third reason is equally important and that is, the writ petitioner was visited with second



W.P.No.28129 of 2025

impugned order along with the first impugned order. Therefore, in other cases, exclusion *vide* Section 14 of the Limitation Act, 1963, will be considered on a case-to-case basis and this order will not serve as across-the-board precedent.

10. Following order is made:

- i. Writ petitioner shall file statutory revision under Section 10-A along with stay petition under Section 10-B on or before 29.08.2025;
- ii. We *suo motu* implead the Revisional Authority, *viz.*, The Secretary to Government, Revenue and Disaster Management, Fort St. George, Chennai – 600 009 as R5 for whom also Mr. T.K. Saravanan, learned State counsel, accepts notice;
- iii. R5 shall consider the aforesaid statutory revision and stay petition on their own merits and in accordance with law untrammelled by this order;



W.P.No.28129 of 2025

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- iv. R5 shall dispose of the stay petition under Section 10-B of said 1905 Act as expeditiously as the business of R5 permits but in any event within four weeks from 29.08.2025 *i.e.*, on or before 26.09.2025;
- v. Coercive action, if any and if that be so, shall be subject to and depending on the outcome of the stay petition;
- vi. As regards the writ petitioner's request for house site patta, R3 (Tahsildar) shall consider the same on its own merits and in accordance with law untrammelled by this order depending on writ petitioner satisfying eligibility criteria and any welfare scheme being available in this regard.
- vii. R3 shall complete the exercise adverted to in paragraph 10 (vi) *supra* as expeditiously as the official business of R3 permits but in any event on or before 25.08.2025 and serve it on the writ petitioner under due acknowledgment on or before 27.08.2025.

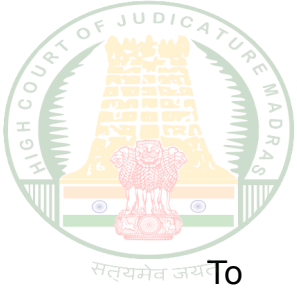


W.P.No.28129 of 2025

11. Captioned main WP stands disposed of in the aforesaid manner with the aforesaid directives and timelines. In the light of what this Court has written regarding coercive action, captioned writ miscellaneous petition has become otiose and the same is disposed of as closed. There shall be no order as to costs.

(M.S., J.) (H.C., J.)
30.07.2025

cad



W.P.No.28129 of 2025

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W.P.No.28129 of 2025

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