



W.P.No.26831 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 22.07.2025

CORAM

THE HONOURABLE MR. JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR. JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.26831 of 2025

Senkodan

... Petitioner

vs.

1. The District Collector
Kallakurichi District
2. The District Revenue Officer
Kallakurichi District
3. The Revenue Divisional Officer
Chinnasalam
Kallakurichi District
4. The Tahsildar
Chinnasalam
Kallakurichi District

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings Na.Ka.No.5/4416/2015 dated 08.07.2025 and quash the same and consequently direct the 2nd respondent herein to conduct enquiry to

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rectify the mistake by deleting the note "NILAVIYAL PATHAI" in respect of land bearing Survey Nos.221A/1B2 and 221A/17B situated at Selliampalayam Village, Royappanaur Post, Chinna Salem Taluk, Kallkurichi District.

For Petitioner : Mr.Krishnasamy Chinnasamy

For Respondents : Mr. K.Suresh
Government Advocate

ORDER

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

'Order dated 08.07.2025 bearing reference न.क.श्रु5/4416/2025 made by R1' (hereinafter 'impugned order' for the sake of convenience) has been assailed.

2. Impugned order has been made by R1 in the capacity of Appellate Authority vide Section 10 of 'the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity}.



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3. Adverting to Section 11(2) of said 1905 Act, learned counsel for writ petitioner submits that the impugned order was served on the writ petitioner on 14.07.2025, writ petitioner has 30 days time to file statutory revision under Section 10-A of said 1905 Act (along with stay petition under Section 10-B of said 1905 Act) but even before the service of the impugned order on the writ petitioner, a communication from R4 (Tahsildar, Chinnasalam, Kallakurichi District) to the jurisdictional police officer fixing 14.07.2025 at 10.00am as the date and time for removal of alleged encroachment has been pasted on the property, is learned counsel's say.

4. Issue notice.

5. Mr.K.Suresh, learned Government Advocate accepts notice for all four respondents and submits that there will be no coercive action pursuant to impugned order till 13.08.2025 as the writ petitioner has 30 days time under Section 11(2) of said 1905 Act to file statutory revision.

6. Recording this submission is good enough to give a closure to the captioned writ petition. However, we make it clear that if the writ petitioner



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does not file statutory revision under Section 10-A of said 1905 Act on or before 13.08.2025, the impugned order can be given effect to. Axiomatically we make it clear that if the writ petitioner files a statutory revision with the stay petition under Section 10-B of said 1905 Act, coercive action, if any, will be subject to and depending on orders to be made by revisional authority in the stay petition and service of the same on the writ petitioner (under due acknowledgement) within five working days from the date of the order of the revisional authority.

Captioned main writ petition disposed of in the aforesaid manner. In the light of our order as regards coercive action, anxiety of the writ petitioner stands doused. Consequently, captioned WMP thereat is disposed of as having become otiose. There shall be no order as to costs.

(M.S., J.) (H.C., J.)
22.07.2025
(1/2)

Index: Yes/No
Neutral Citation: Yes/No
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To

1. The District Collector

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2. The District Revenue Officer
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