



W.P.No.29620 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **T.VINOD KUMAR**

W.P.No.29620 of 2025
and
W.M.P. Nos.33208 and 33209 of 2025 in W.P. No.29620 of 2025

G.Meena
W/o.J.Gopi

.. Petitioner

Vs.

1.The District Collector,
Tiruthani, Thiruvallur District.

2.The Tahsildar,
Tiruttani Town and Taluk,
Thiruvallur District.

3.Public Works Department
Rep. by its Junior Engineer
Irrigational Division
Tiruttani.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India
seeking a Writ of Mandamus forbearing the respondents from interfering

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with the petitioner's land in Survey No.93/3, Amirthapuram Village, Thiruttani Division, Tiruvallur District in Door No.211, Saibaba Nagar, Chittoor Road, Tiruttani - 631 209 particularly by evicting the petitioner from the property pending final determination of the statutory appeal preferred by the petitioner under Section 10 and 10(B) of the Land Encroachment Act dated 10.07.2024 before the first respondent.

For Petitioner : Mr.D.S.Rajasekaran

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

ORDER

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

Subject matter of captioned main 'Writ Petition' [hereinafter 'WP' for the sake of brevity] is 'land comprised in S.No.93/3, Amirthapuram Village, Thiruttani Division, Tiruvallur District, which can otherwise be described as Door No.211, Saibaba Nagar, Chittoor Road, Tiruttani - 631 209' [hereinafter 'said property' for the sake of convenience].

2. Writ petitioner's father-in-law one Thiru.Jayapal, son of Thiru.Venkataiah was proceeded against qua said property under 'the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)'



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{hereinafter 'said 1905 Act' for the sake of brevity} and these proceedings

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are now at the statutory appeal stage, namely an appeal under Section 10 of said 1905 Act (along with a stay petition under Section 10-B of said 1905 Act), both dated 10.07.2024, which is pending with R1 (District Collector, Tiruthani, Thiruvallur District).

3. The limited prayer of the writ petitioner is, there should not be coercive action qua said property pending afore-referred statutory appeal and stay petition thereat.

4. Issue notice.

5. Mr.T.K.Saravanan, learned Additional Government Pleader accepts notice for all three respondents and learned State counsel very fairly submits that the afore-referred stay petition dated 10.07.2024 will be disposed of by R1 as expeditiously as the business of R1 permits but in any event on or before 03.10.2025 and coercive action, if any and if that be so will be subject to and depending on the outcome of the stay petition. This douses the anxiety of the writ petitioner and this is sufficient to give a closure to the captioned WP. However, it is noticed that another notice under 'Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 (Tamil Nadu



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Act 8 of 2007)' {hereinafter 'Tanks Act' for the sake of convenience, clarity and brevity} being 'notice dated 15.07.2025 bearing reference Notification No.K8/J.E./Tiruttani/2025' {hereinafter 'Tanks Act Notice' for the sake of convenience} was also issued in the name of writ petitioner's father-in-law Thiru.Jayapal, son of Thiru.Venkataiah as regards the same said property.

6. Learned State counsel in his usual fairness submitted that the Tanks Act notice will stand withdrawn as proceedings under said 1905 Act are underway and made a request to preserve all the rights and contentions of both sides qua proceedings under said 1905 Act. This request is acceded to and we record that Tanks Act notice stands effaced. To be noted, we grant this relief by invoking our inherent powers under Article 226 of Constitution of India as the writ petitioner has not even made a residuary prayer. To be noted, the prayer in the writ petition reads as follows:

'Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus forbearing the respondents from interfering with the petitioner's land in Survey No.93/3, Amirthapuram Village, Thiruttani Division, Tiruvallur District in Door No.211, Saibaba Nagar, Chittoor Road, Tiruttani - 631 209 particularly by evicting the petitioner from the property pending final determination of the statutory appeal preferred by the



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*petitioner under Section 10 and 10(B) of the Land Encroachment
Act dated 10.07.2024 before the first respondent.'*

Captioned WP is disposed of as closed recording the stated position of learned State counsel. In the light of what has been captured supra as regards coercive action (if any and if that be so), captioned WMPs have become otiose and the same are also disposed of as closed. There shall be no order as to costs.

(M.S.,J.) (T.V.K.,J.)
07.08.2025

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

- 1.The District Collector,
Tiruthani, Thiruvallur District.
- 2.The Tahsildar,
Tiruttani Town and Taluk,
Thiruvallur District.
- 3.The Junior Engineer (Irrigational Division),
Public Works Department,
Tiruttani.

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and
T.VINOD KUMAR, J.,**

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