



W.P.No.31061 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2025

CORAM

THE HONOURABLE MR. JUSTICE M.SUNDAR

and

THE HONOURABLE MR. JUSTICE HEMANT CHANDANGOUDAR

W.P.No.31061 of 2025

&

W.M.P.No.34855 of 2025

R.Raajagopal

... Petitioner

VS.

1. The District Collector
Krishnagiri District

2. The Tahsildar
Krishnagiri District

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of certiorari to call for records on the file of first respondent in proceedings in Na.Ka.21262/2025/H3 dated 04.08.2025 and quash the same as illegal, incompetent and without jurisdiction.

For Petitioner : Ms. R.Poornima



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

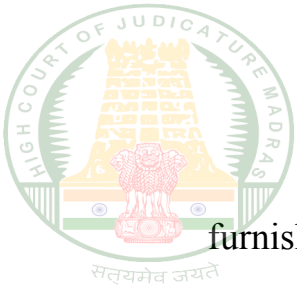
ORDER

[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 a writ of certiorari.

2. An order dated 04.08.2025 bearing reference Na.Ka.21262/2025/H3 made by first respondent (District Collector, Krishnagiri District) has been assailed and this order shall be referred to as 'impugned order' for the sake of brevity and convenience.

3. Ms. Poornima, learned counsel for the writ petitioner, adverting to the impugned order, submitted that the same has been made by first respondent in the capacity of Appellate Authority in proceedings 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 brevity}. Learned counsel also submits that a photocopy of the impugned order was



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furnished to the writ petitioner only on 09.08.2025 but the writ petitioner is under imminent threat of dispossession/demolition pursuant to impugned order.

4. Issue notice to respondents.

5. Mr.T.K.Saravanan, learned Additional Government Pleader, accepts notice for respondents and learned State counsel, on instructions, submits that the impugned order was duly served on the writ petitioner on 08.08.2025 (Friday) through second respondent.

6. Learned State counsel submits that acknowledgment evidencing service of impugned order on writ petitioner on 08.08.2025 is not readily available but he will be able to produce the same if time is granted.

7. Instead of time being consumed in such an exercise, we deem it appropriate to construe the date of service of impugned order on the writ petitioner as 09.08.2025 considering the facts and circumstances of the case, nature of the matter and the order we propose to make.

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8. As regards the impugned order, there is no dispute that an effective and efficacious alternative remedy is available to the writ petitioner by way of a statutory revision under Section 10-A of said 1905 Act. To be noted, there is also provision for interim stay pending revision *vide* Section 10-B of said 1905 Act.

9. Be that as it may, the point is, *vide* sub-section (2) of Section 11, the petitioner has 30 days time from the date of service of impugned order on the writ petitioner, to prefer statutory revision. This means that if 09.08.2025 is construed as the date of receipt of the impugned order by the writ petitioner, writ petitioner has time till 08.09.2025 to prefer statutory revision under Section 10-A of said 1905 Act along with a stay petition under Section 10-B, if so advised and if so desired.

10. In the light of Section 11(2) of said 1905 Act and 30 days being available to the writ petitioner, we have no hesitation in writing that coercive action, if any and if that be so, can be only after 08.09.2025 and that too, subject to revision/stay petition thereat.



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11. This Court is acutely conscious that alternative remedy is not an absolute rule and that it is a rule of discretion. However, considering the facts and circumstances of the case on hand, we deem it appropriate to relegate the writ petitioner to alternative remedy of statutory revision under Section 10-A of said 1905 Act.

12. In the light of the narrative, discussion and dispositive reasoning thus far, the following order is made:

i) It is open to the writ petitioner to prefer a statutory revision under Section 10-A of said 1905 Act together with a stay petition under Section 10-B of said 1905 Act (stay pending revision) assailing the impugned order of R1 on or before 08.09.2025;

ii) If the writ petitioner files statutory revision along with a stay petition, coercive action, if any and if that be so, shall be subject to and depending on the outcome of the stay petition;

iii) If the outcome of the stay petition is in favour of the writ petitioner, the matter will await the outcome of the revision.



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If that not be so and if the outcome of the stay petition is adverse to the writ petitioner, the same will be kept in abeyance for a fortnight to enable the writ petitioner to seek judicial review, if so advised and if so desired;

iv) If the writ petitioner does not file statutory revision along with stay petition on or before 08.09.2025, it will be open to the respondents to implement the impugned order after 08.09.2025, without further reference to this Court;

v) Though obvious, for the purpose of specificity, we make it clear that revisional authority shall consider the statutory revision under Section 10-A of said 1905 Act on its own merits and in accordance with law untrammelled by instant order;

vi) All questions / rights and contentions of writ petitioner, including the points raised in the captioned WP are left open for both sides for being raised in the revision;

13. To be noted, the captioned main WP was taken up with the consent of learned counsel for writ petitioner and learned State counsel considering the limited scope of the same;



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14. Captioned WP is disposed of in the aforesaid manner with

observations and preservation of rights in the aforesaid manner. In the light of what we have written regarding coercive action, captioned WMP thereat has become otiose and the same is disposed of as closed having become otiose. There shall be no order as to costs.

[M.S., J.]

[H.C., J.]

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Index : Yes / No

Neutral Citation : Yes / No

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To

1. The District Collector
Krishnagiri District

2. The Tahsildar
Krishnagiri District



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and
HEMANT CHANDANGOUDAR, J.

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