



W.P. No.31801



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2025

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CORAM:

THE HONOURABLE MR. JUSTICE M. SUNDAR

AND

THE HONOURABLE MR. JUSTICE HEMANT CHANDANGOUDAR

W.P. No.31801 of 2025 and W.M.P. No.35611 of 2025

E. Ponnuswamy

Petitioner

vs.

1. The District Collector
Tiruvallur District
2. The Tahsildar
Gummidipoondi Taluk
Tiruvallur District
3. The Revenue Inspector
Koovalambedu
Gummidipoondi Taluk
Tiruvallur District
4. J. Baskar
5. Kalpana
6. Sethupathi
7. Divakar
8. Marimuthu
9. Nagammal
10. Sakunthala
11. Saroja

Respondents



Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records in Na.Ka.No.1289/2025/Aa2 dated 11.08.2025 issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, on the file of the second respondent and quash the same and direct the first respondent to dispose of the stay application in the appeal filed by the petitioner under Section 10-B of the Tamil Nadu Land Encroachment Act.

For petitioner Mr. R. Rajarajan

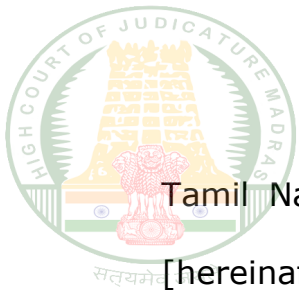
For RR 1 to 3 Mr. K. Suresh
Government Advocate

ORDER

(made by M. SUNDAR, J.)

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

2. In and *vide* the certiorari limb of the prayer, an 'order dated 11.08.2025 bearing reference Na.Ka.1289/2025 Aa2 made by second respondent' [hereinafter 'impugned order' for the sake of convenience] has been assailed . To be noted, impugned order is one under Section 6 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].

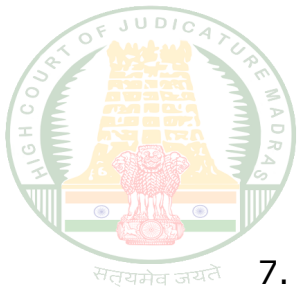
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3. As regards the mandamus limb, Mr. R. Rajarajan, learned counsel for writ petitioner, submits that prior to the impugned order, writ petitioner responded to Section 7 notice and pursuant to said response, second respondent made an 'order dated 08.08.2025 bearing reference Na.Ka.1289/2025/Aa2' [hereinafter 'earlier order of second respondent' for the sake of convenience and clarity].

4. This earlier order of second respondent has been assailed by the writ petitioner by way of an appeal under Section 10 of said 1905 Act being appeal dated 11.08.2025 and along with this appeal, a stay petition also dated 11.08.2025 under Section 10-B of said 1905 Act has been filed.

5. To be noted, in and *vide* the mandamus limb, a direction has been sought to first respondent (appellate authority) to dispose of the stay petition dated 11.08.2025.

6. Issue notice to official respondents (respondents 1 to 3).

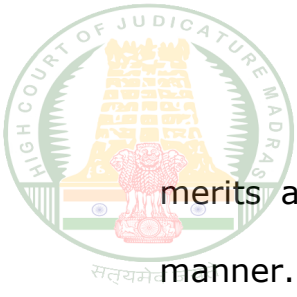


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7. Mr. K. Suresh, learned Government Advocate, accepts notice for official respondents (respondents 1 to 3) and submits that the aforesaid stay petition (petition under Section 10-B of said 1905 Act) dated 11.08.2025 will be disposed of by first respondent on its own merits and in accordance with law as expeditiously as the official business of first respondent permits but in any event within three weeks from today, *i.e.*, on or before 11.09.2025.

8. Orders so made by first respondent in the stay petition shall be served on the writ petitioner under due acknowledgment within seven working days from date of the order. This answers the mandamus limb of the prayer. In other words, *i.e.*, to put it differently, mandamus limb of the prayer (latter consequential limb) is answered thus.

9. Reverting to the certiorari limb, we are not dislodging the impugned order as the same is an appealable order. We preserve the rights and contentions of writ petitioner to prefer a statutory appeal under Section 10 of said 1905 Act along with stay petition under Section 10-B of said 1905 Act, if so advised and if so desired as regards the impugned order. If such an appeal is preferred with stay petition, the same shall be considered on



merits and in accordance with law untrammelled by instant order in any manner.

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10. Coercive action, if any and if that be so, will be subject to and depending on the outcome of the aforereferred stay petition that is to be disposed of on or before 11.09.2025.

11. Captioned main WP is disposed of in the aforesaid manner in the Admission Board itself with the consent of learned counsel for writ petitioner and learned State counsel, dispensing with notice to private respondents (respondents 4 to 11), inasmuch as, no order prejudicial to their interest is passed in the captioned main WP. In the light of what we have written regarding coercive action, captioned writ miscellaneous petition has become otiose and therefore, the same is disposed of as closed. There shall be no order as to costs.

(M.S., J.) (H.C., J.)
21.08.2025

cad
Index : Yes/No
NC : Yes/No



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M. SUNDAR, J.

and

HEMANT CHANDANGOUDAR, J.

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