



W.P.No.39918 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2025

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.39918 of 2024

Santhanaraj
S/o.Francis

... Petitioner

Vs.

1. The Principal Secretary to the Government
Department of Revenue and Disaster Management
Secretariat, St.George Fort
Chennai-600 005.

2. The District Collector
O/o. District Collector
Nagapattinam District.

3. The Thasildhar
O/o.Kilaiyur Thasildhar
Nagapattinam District.

... Respondents

Prayer :

Writ Petition filed under Article 226 of The Constitution of India
praying to issue a Writ of Mandamus to directing the respondents or his
agents, men not to take any coercive steps as per the proceedings vide
Na.Ka.3719/2024/Uo4 dated 05.11.2024 passed by the 2nd respondent

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under the Tamil Nadu Land Encroachment Act, 1905 until disposal of the revision dated 22.11.2024 pending before the 1st respondent.

For Petitioner : Mr.P.Muthamizh Selvakumar
For Respondents : Mr.T.K.Saravanan
Government Advocate

ORDER

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

Captioned main 'Writ Petition' {hereinafter 'WP' for the sake of brevity} has been filed with a mandamus prayer qua proceedings under 'the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity}.

2. Mr.P.Muthamizh Selvakumar, learned counsel on record for writ petitioner submits that proceedings under said 1905 Act was initiated and as of today, a revision dated 22.11.2024 (revision along stay petition under Section 10-B of said 1905 Act) is pending. Learned counsel further submits that pending statutory revision and stay petition thereat, writ petitioner is under pain of dispossession and that has necessitated filing of the captioned writ petition.

3. Issue notice to respondents.

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4. Mr.T.K.Saravanan, learned Government Advocate accepts notice for respondents.

5. Considering the limited scope of the captioned WP, main WP was taken up in the Admission Board with the consent of both sides.

6. Learned State Counsel submits that stay petition pending with R1 will be disposed of as expeditiously as the business of R1 permits but in any event within three weeks from today i.e., on or before 24.01.2025. This submission of learned State Counsel is recorded.

7. In the light of the narrative thus far, we deem it appropriate to write that it is open to R1 to take up the main statutory revision also within three weeks, if the official business of R1 permits such a course. However, we make it clear that it is at the discretion of R1 and his official business.

8. As the stay petition in a statutory revision (stay petition under Section 10-B of said 1905 Act) is pending, it is only appropriate that any further action will be subject to / depending on the outcome of stay petition. In other words, status quo as of today will be maintained till the disposal of stay petition under Section 10-B of said 1905 Act being stay petition filed along with statutory revision now pending with R1.



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9. Let R1 do the needful within the aforementioned time frame.

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Captioned main WP is disposed of in the aforesaid manner. There shall be no order as to costs.

(M.S.,J.)

(K.R.S.,J.)

03.01.2025

Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order

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To

1. The Principal Secretary to the Government
Department of Revenue and Disaster Management
Secretariat, St.George Fort
Chennai-600 005.
2. The District Collector
O/o. District Collector
Nagapattinam District.
3. The Thasildhar
O/o.Kilaiyur Thasildhar
Nagapattinam District.

M.SUNDAR, J.,
and

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K.RAJASEKAR, J.,

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