



WP No. 39326 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-11-2025

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR

WP No. 39326 of 2025 AND

WMP NO. 44172 OF 2025

Elumazhai Pachaiyappa Achari
S/o.Pachaiyappan, No.2,Kamaraj Street, R.Nayampadi
Vilalge, Gingee Taluk, Villupuram District -604151

..Petitioner

Vs

1. The District Collector
Office Of The District Collector,
Villupuram District.
2. The Sub Collector
Office The Sub District Collector,
Villupuram Diistrict
3. The Tahsildar
Office Of The Tahsildar, Gingee Taluk,
Villupuram District
4. The Block Development Officer
Gingee Union, Villupuram District

..Respondents



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Prayer : Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the 3rd respondent not to take any coercive steps or demolition action pursuant to the impugned notice dated 14.8.2025 under section 6 of the Tamilnadu Land Encroachment act 1905 in respect of the temples situated in S.No.123 Lakeview, R.Nayampadi village, Gingee Taluk, Villupuram District pending disposal of the statutory appeal filed by the petitioner on 20.8.2025 before the 1st respondent and also consequently directing the 1st respondent to dispose of the said appeal.

For Petitioner : Mr.A.M.Natraj
For Respondents : Mr.R.P.Muruganraja
Government Advocate

Order

(Order of the Court was made by R.Suresh Kumar J.)

As against the order passed under Section 6 of the Land Encroachment Act, 1905 in respect of the temple situated at S.No.123, Lakeview, R.Nayambadi Village, Gingee Taluk, Villupuram District, the petitioner has filed an appeal under Section 10(1)(a) of the Act on 20.08.2025 to the first respondent / District Collector.



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2. It is alleged by the petitioner that though the said appeal is pending before the District Collector, being the appellate authority, in the meanwhile, pursuant to the Section 6 order, the third respondent is taking steps to execute the same by coercively demolishing the structure / temple construction on the land in question. Only in that circumstances, the present writ petition has been filed by the petitioner.

3. We, after hearing the learned counsel for the petitioner as well as the learned Government Advocate appearing for the respondents, are inclined to dispose of this writ petition with the following orders.

- There shall be a direction to the first respondent / District Collector to decide the appeal filed under Section 10(1)(a) of the Act dated 20.08.2025, after giving an opportunity of being heard to both the writ petitioner as well as the Revenue Department on merits and in accordance with law within a period of two months from the date of receipt of a copy of this order.
- Till such time, no coercive steps pursuant to the order under Section 6 of the Act dated 14.08.2025 shall be taken by the revenue authorities.



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4. With the above directions, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

(R.S.K.,J.) (H.C.,J.)

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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