



WP No. 38333 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-10-2025

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR

WP No. 38333 of 2025 AND

WMP NO. 42869 OF 2025

K.C.Moorthy

S/o.Late.Chellakutti, Karaikattupudur, Sivanmalai
Village, Kangayam Taluk, Tiruppur District

..Petitioner(s)

Vs

1. The State Rep By
The Secretary To Government, Revenue
Department, Secretariat, Chennai-600 009
2. The Revenue Divisional Officer
Dharapuram, Tiruppur District
3. The Revenue Divisional Officer
Dharapuram, Tiruppur District
4. The Revenue Tahsildar
Kangayam Taluk, Tiruppur District
5. K.Balasubramanian
S/o.Karuppasamy Gounder, 17/82 Ponmuthu
Nagar 3rd Street, Nallur-641 604 Tiruppur District

..Respondents



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Prayer : Writ Petition under Article 226 of the Constitution of India praying for the directing the 1st respondent to grant an order of stay or decide the Revision petition dated 29.9.2025 fled against the order dated 21.9.2025 made in Na.Ka.No.18236/2023/Aa3 passed by the 2nd respondent confirming the order dated 22.5.2025 made in Ni.Mu.538/2025/E passed by the 3rd respondent confirming the order dated 24.5.2024 made in Na.Ka.No 720/2023/A9 Patta land in SF No.455/4 Sivanmalai village, Kangayam Taluk Tiruppur District.

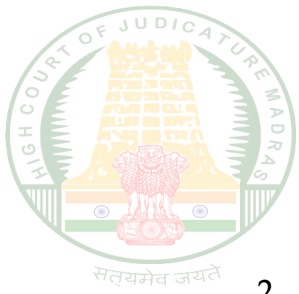
For Petitioner : Mr.N.Manoharan

For Respondents : Mr.M.Jayanthy
Additional Government Pleader
For RR 1 to 4
R5 - Notice Dispensed with

Order

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

In respect of an alleged encroachment at S.No.455/4 in Sivanmalai village, Kangayam Taluk, Tiruvallur District, proceedings under the Land Encroachment Act has been initiated by the Tahsildar concerned, which went against the petitioner. As against the order passed by the Tahsildar for removal of such encroachment, the petitioner had filed an appeal under Section 10 of the said Act before the District Collector ie., the second respondent, who also dismissed the said appeal by order dated 21.09.2025.



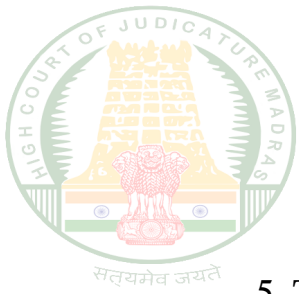
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2. As against the dismissal of the appeal by the District Collector, a revision under Section 10A(1)(c) of the Tamil Nadu Land Encroachment Act (Act 3 of 1905) has been filed by the petitioner. Along with the said revision petition filed before the first respondent, the petitioner also filed a miscellaneous petition to seek stay of the order which was impugned before the revisional authority and that stay petition, though had been filed in September 2025, since was not taken up immediately by the first respondent, the petitioner is apprehending eviction at the hands of the revenue authorities, which is imminent according to him.

3. Therefore, in order to get a direction from this Court to the first respondent to take up the miscellaneous petition and decide the same on merits and in accordance with law at the earliest point of time the petitioner has moved the present writ petition.

4. Heard Mr.N.Manoharan, learned counsel for the petitioner and Ms.M.Jayanthi, learned Additional Government Pleader for the respondents 1 to 4. In view of the order that is going to be passed in this writ petition, notice to the fifth respondent is dispensed with.



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5. The prayer sought for herein is only innocuous in nature, where, a simple mandamus is sought for to the first respondent to decide the stay petition along with the revision petition filed under Section 10A(1)(c) of the Land Encroachment Act, 1905, which is pending before the first respondent.

6. In that view of the matter, after hearing the learned Additional Government Pleader appearing for the official respondents, this Court is inclined to dispose of this writ petition with the following order.

- That there shall be a direction to the first respondent to decide the miscellaneous petition, if not the revision petition, within a period of 30 (thirty) days from the date of receipt of a copy of this order, of course after giving an opportunity of being heard to both the petitioner as well as the respondents.
- Till such time, no coercive steps shall be taken by the respondents, especially the fourth respondent or his men to evict the petitioner from the land, where there is an alleged encroachment on the part of the petitioner.



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7. 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.)
09-10-2025

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

KST

To

1. The Secretary To Government, Revenue
Department, Secretariat, Chennai-600 009.
2. The Revenue Divisional Officer
Dharapuram, Tiruppur District
3. The Revenue Divisional Officer
Dharapuram, Tiruppur District
4. The Revenue Tahsildar
Kangayam Taluk, Tiruppur District



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**R.SURESH KUMAR J.
AND
HEMANT CHANDANGOUDAR J.**

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