



W.P.No.39939 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2025

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

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- | | |
|---|----------------|
| 1. K.Sivagami | |
| 2. Periyasamy | |
| 3. Karuppanna Gounder | .. Petitioners |
| Vs. | |
| 1. The District Collector
O/o. the District Collector
Erode District - 638 011. | |
| 2. The Revenue Tahsildar
Modakurichi Taluk, Erode District - 638 104. | |
| 3. The Revenue Inspector
Modakurichi Taluk
Erode District - 638 104. | |
| 4. D.Thangavel | |
| 5. A.M.Arunachalam | |
| 6. Gunasudha | |
| 7. Leelavathi | .. Respondents |

Prayer: Petition filed under Article 226 of the Constitution of India, seeking a writ of mandamus, directing the first respondent to dispose of the appeal on the petition of the petitioner's in TN/REV/ERD/I/COLLMGDP/13OCT25/16342107 dated 13.10.2025 on his file within a time limit that maybe fixed by this Court consequently, forbear the respondents 2 and 3, their men's, agents or servants or any other person from taking any coercive steps on the order passed by the second respondent in his proceedings in Na.Ka.No.1870/2025/A2 dated 16.09.2025 pending the appeal proceedings on the petition of the petitioner's in TN/REV/ERD/I/COLLMGDP/13OCT25/16342107 dated 13.10.2025 on the file of the first respondent.



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For the Petitioners : Mr.R.Jaisurya
for Mr.R.Selvakumar

For the Respondents : Mr.S.Arumugam
Government Advocate
for R1 to R3

Notice Dispensed With
for R4 to R7

ORDER

(Order of the Court was made by R.SURESH KUMAR, J.)

Prayer sought herein is for a writ of mandamus, to direct the first respondent to dispose of the appeal on the petition of the petitioner's in TN/REV/ERD/I/COLLMGDP/13OCT25/16342107 dated 13.10.2025 on his file within a time limit that maybe fixed by this Court and consequently, forbear the respondents 2 and 3, their men's, agents or servants or any other person, from taking any coercive steps on the order passed by the second respondent in his proceedings in Na.Ka.No.1870/2025/A2 dated 16.09.2025 pending the appeal proceedings on the petition of the petitioner's in TN/REV/ERD/I/COLLMGDP/13OCT25/16342107 dated 13.10.2025 on the file of the first respondent.

2. With regard to the S.Nos.30/6, 40/1 and 43/6 at Elumathur Village, Modakurichi Taluk, Erode District, as against the petitioners, action was initiated under the provisions of the Tamil Nadu Land



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Encroachment Act, 1905¹ by the respondent Revenue Authorities by issuing notice under Section 7 of the Act of 1905, followed by Section 6 order.

3. Section 6 order, dated 16.09.2025, has been appealed by the petitioners before the first respondent/District Collector vide the appeal dated 13.10.2025 under Section 10 of the Act of 1905. The said appeal is pending consideration before the District Collector, where, even though an interim order of stay also has been sought, nothing is forthcoming so far and no orders have been passed by the Appellate Authority, that is the District Collector. Therefore, the petitioners have approached this Court by filing the present writ petition with the prayer stated herein above.

4. We have heard *Mr.R.Jaisurya*, learned counsel for the petitioners and *Mr.S.Arumugam*, learned Government Advocate for the respondents 1 to 3. In view of the order that is going to be passed in this writ petition, notice to the private respondents, that is respondents 4 to 7, is hereby dispensed with.

5. As the prayer sought in the present writ petition is innocuous in nature, where directions have been sought from this

¹ for brevity, hereinafter referred as "the Act of 1905".



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Court to the first respondent/District Collector, that is the Appellate Authority, to decide the appeal of the petitioners dated 13.10.2025, after giving an opportunity of being heard to the petitioners as well as the rival claimants, the private respondents and also the Revenue Authorities, we, after hearing *Mr.S.Arumugam*, learned Government Advocate appearing for the official respondents, who would submit that the said appeal would be decided by the District Collector, that is the Appellate Authority, within a time frame to be stipulated by this Court on merits, are inclined to dispose of this writ petition with the following orders:-

(i) That there shall be a direction to the first respondent/District Collector to decide the appeal dated 13.10.2025 filed by the petitioners and pass orders thereon, on merits and in accordance with law, of course, after giving an opportunity of being heard to the petitioners as well as the private respondents and the Revenue Authorities and such final orders shall be passed within a period of two months from the date of receipt of a copy of this order.

(ii) Till such time no further coercive action shall be taken pursuant to the initiation of proceedings under Sections 7 and 6 of the Act of 1905 against the petitioners.



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6. With these directions, the writ petition stands disposed of.

However, there shall be no order as to costs. Consequently, W.M.P.No.44869 of 2025 is closed. W.M.P.No.44867 of 2025, petition filed seeking permission to file a single writ petition, stands ordered, inasmuch as the petitioners have paid separate set of court fees.

(R.S.K., J.) (H.C., J.)
03.11.2025

Speaking Order/Non-Speaking Order

Neutral Citation:Yes/No

Internet:Yes/No

Index:Yes/No

(drm)

Note: Issue order copy on 05.11.2025.

To:

1. The District Collector
O/o. the District Collector
Erode District - 638 011.
2. The Revenue Tahsildar
Modakurichi Taluk, Erode District - 638 104.
3. The Revenue Inspector
Modakurichi Taluk
Erode District - 638 104.



WEB COPY



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R. SURESH KUMAR, J.
AND
HEMANT CHANDANGOUDAR, J.
(drm)

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