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W.P.(MD)NO.19669 OF 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.07.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.19669 of 2025 AND

W.M.P.(MD)No.15125 of 2025

K.Pandi

... Petitioner

Vs.

1. The Principal Secretary to Government,
Revenue and Disaster Management Department,
Fort St. George, Chennai – 600 009.
2. The Commissioner of Land Administration,
Chepauk,
Chennai – 600 005.
3. The Director of Survey and Settlement,
Chepauk,
Chennai – 600 005.
4. The District Collector,
Sivagangai.
5. The Tahsildar,
Kalayarkovil Taluk,
Sivagangai.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, issuing a Writ of Mandamus, directing the



respondents 1 and 2 to consider the petitioner's revision and the application for interim protection filed against the proceedings of the fourth respondent in Na.Ka.No.E4/10273/2023 dated 05.05.2025 in respect of house property of the petitioner in the lands in S.No.308, old R.S.No.177/4, Somanatha Mangalam Village, Kalayarkoil Taluk, Sivagangai District.

For Petitioner : Mr.V.R.Shanmuganathan

For Respondents : Mr.S.Vinodh,
Government Advocate.

* * *

ORDER

Heard both sides.

2. Notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 was issued to the petitioner herein. Challenging the same, the petitioner filed an appeal before the District Collector, Sivagangai. The appeal was dismissed on 05.05.2025. It was indicated in the said order that the petitioner will have to file revision before the Commissioner of Land Administration. Thereupon based on the order of the District Collector, the Tahsildar,



Kalaiyarkoil Taluk issued memo dated 20.05.2025 proposing to remove the encroachments said to have been committed by the petitioner herein.

3. Challenging the same, W.P.(MD)No.14709 of 2025 has been filed. The Hon'ble Division Bench vide order dated 28.05.2025 disposed of the writ petition in the following terms:-

“7. In view of the above, without going into the merits of the case, there shall be a direction to the petitioner to file the revision before the concerned authority on or before 06.06.2025. Till then, the present Status quo shall be maintained. It is left open to the revisional authority to consider the interim protection sought for by the petitioner during the pendency of the revision petition on its own merits and in accordance with law.”

4. The petitioner has since filed revision before the Commissioner of Land Administration. Seeking disposal of the revision and also claiming interim protection, this writ petition has been filed.



5. The learned counsel appearing for the petitioner would point out that as against the order of the District Collector, revision would lie only before the Government under Section 10-A(1)(c) of the Act.

6. We find force in the said contention. We therefore permit the petitioner to file revision under Section 10-A(1)(c) of the Act before the Government. As undertaken by the petitioner through his counsel, such revision will be filed within a period of four weeks from the date of receipt of a copy of this order.

7. We are clearly of the view that the District Collector, Sivagangai should not have entertained the appeal against a mere notice under Section 7 of the Act. Worst part of it is, the appeal was kept pending for 11 long years. Be that as it may, while disposing the order to be passed by the Government on the writ petitioner's revision, it would be construed as an order under Section 6 of the Act as it was the the petitioner who invited such a situation.



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8. We also place on record the writ petitioner counsel's contention that the petitioner is having a decree from the competent civil Court. A copy of the judgment dated 05.01.2007 made in O.S. No.114 of 2006 on the file of the District Munsif, Sivagangai has been enclosed in the typed set of papers. We have consciously refrained from going into the merits of the matter. If the petitioner files revision before the Government within a period of four weeks as undertaken, status quo as on date will continue for a period of six months from the date of receipt of a copy of this order. Within six months, the Government shall dispose of the matter finally. This writ appeal stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (B.PUGALENDHI, J.)
24th July 2025

NCC : Yes / No

Index : Yes / No

Internet : Yes/ No

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G.R.SWAMINATHAN,J.

AND

B.PUGALENDHI, J.

PMU

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