



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-01-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE S. SOUNTHAR

W.P. No. 1139 of 2026

M.Selvaperumal
T.P. Sukkiran alias Muthukkavundar
Door No 154 umaaramangalam Village,
Omalaar Taluk
Salem District 636 503

..Petitioner(s)

Vs

1. The State Of Tamilnadu
Rep by Revenue Secretary,
Fourth Saint Charge,
Chennai 600 009
2. The District Collector
Salem Distrct, salem
3. The Tahsildar
Omalur Taluk office,
Omalur Taluk, Salem District
4. The Revenue Inspector
Omalur Taluk office,
Omalur Taluk, Salem District

..Respondent(s)

PRAYER:-

The Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the 1st respondent to dispose of



the stay petition filed on 31.12.2025 under section 10-B of the Tamil nadu land Encroachment Act 1905.

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For Petitioner(s): Mr. P. Rathanavel

For Respondent(s): Mr.T.Arunkumar

Additional Government Pleader
for R1 to R4

ORDER

(Order of the Court was made by S.M.SUBRAMANIAM, J.)

The Writ of Mandamus has been instituted to direct the 1st respondent to dispose of the stay petition filed on 31.12.2025 under Section 10-B of the Tamil Nadu Land Encroachment Act, 1905.

2. The petitioner was identified as an encroacher and enforcement actions have been initiated by the competent authority. After issuance of a notice under Section 7 of the Act and after affording an opportunity, a final notice under Section 6 came to be issued. Thereafter, an appeal under Section 10 was filed before the District Collector and the District Collector rejected the appeal. Thus, the petitioner preferred a revision before the Government.



3. The learned counsel appearing for the petitioner would submit that along with the revision petition, an application seeking grant of stay has been filed. Since the stay petition has not yet been disposed of by the Government, the present Writ Petition came to be instituted.

4. Mere issuing a direction to dispose of the revision or stay petition would do no service to the cause of justice. Such Writ Petitions are filed in a routine manner and the High Court in such circumstances, is not expected to issue routine directions, in view of the fact that several such similar petitions are pending before the Government and the competent authorities. The authorities will have to dispose of the appeals, revisions, etc., in a systematic manner by making entries in a register and in the order of seniority. Every Court or statutory authority is expected to dispose of the appeals, revisions, etc., systematically and in the order of seniority and if any preference is required, reasons must be recorded. By securing a direction from the High Court if any particular matter alone is disposed of, it would cause prejudice to the other persons, who are all waiting for disposal of their appeals, revisions, etc. before the authorities. In other words, a blanket direction may cause prejudice to the other persons, who are all waiting for long time for disposal of their cases.



5. Therefore, the High Court, while issuing a direction to dispose of the cases by the District Courts, statutory authorities, etc. has to take into consideration the urgency required and possibility of disposal of those cases within the timeline, if any, fixed by the High Court. Even in some cases directions are issued, and parties may not cooperate for early disposal. Then, it will cause inconvenience to the authorities.

6. The Hon'ble Supreme Court of India in the case of **Government of India vs. P. Venkatesh (Civil Appeal No.2425 of 2019)** reported in 2019 Supreme (SC) 646 held as follows:-

“.....This ‘dispose of the representation’ mantra is increasingly permeating the judicial process in the High Courts and the Tribunals. Such orders may make for a quick or easy disposal of cases in overburdened adjudicatory institutions. But, they do no service to the cause of justice. The litigant is back again before the Court, as this case shows, having incurred attendant costs and suffered delays of the legal process. This would have been obviated by calling for a counter in the first instance, thereby resulting in finality to the dispute.....”



7. In this context, the Hon'ble Supreme Court, in the case of **Sangram Sadashiv Suryavanshi Vs. The State of Maharashtra** in **Crl.A.No.4758 of 2024** dated **25.11.2024** considered the principles. The Apex Court made observation that time bound directions issued by the High Court would adversely affect the functioning of the trial courts as in many trial courts there may be older cases of same category pending. The Apex Court relied on paragraph 47.3 of the decision of a Constitution Bench of the Supreme Court in the case of **High Court Bar Association, Allahabad Vs. State of Uttar Pradesh & Ors.**, in **Crl.APP. @ SLP (Crl.)No.13366 of 2024**. The court held that in the ordinary course, the Constitution Courts are refrained from fixing the time bound schedule for the disposal of the cases pending before any other courts. Paragraph 47.3 reads thus:-

"47.3. Constitutional courts, in the ordinary course, should refrain from fixing a time-bound schedule for the disposal of cases pending before any other courts. Constitutional courts may issue directions for the time-bound disposal of cases only in exceptional circumstances. The issue of prioritising the disposal of cases should be best left to the decision of the courts concerned where the cases are pending."

8. In the present case, the petitioner has filed revision petition only on 31.12.2025. Within a period of 10 days, he filed the present Writ Petition seeking a direction to dispose of the stay petition. He has not even allowed the authorities to consider the revision petition and the petitions filed along



with the revision. The petitioner already filed a Civil Suit in O.S.No.447 of 1986 for adverse possession and permanent injunction. The matter went up to Second Appeal in S.A.No.1234 of 2004 and it was dismissed by judgment dated 17.12.2018. Thus, the petitioner has not established any right even before the Civil Court. Under these circumstances, this Court is not inclined to issue any direction as such sought for in the Writ Petition. However, the Government has to dispose of the matters in the order of seniority and by following the procedures as contemplated under the relevant statutes and rules in force.

9. With the above observations, this Writ Petition stands dismissed.
There shall be no order as to costs.

(S.M.S., J.) (S.S., J.)

12-01-2026

Index: Yes
Speaking order : Yes

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To

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Chennai 600 009
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3. The Tahsildar
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Omalur Taluk, Salem District
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Omalur Taluk, Salem District



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**S.M.SUBRAMANIAM, J.
and
S.SOUNTHAR, J.**

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