



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2025

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CORAM:

THE HONOURABLE MR. JUSTICE M. SUNDAR

AND

THE HONOURABLE MR. JUSTICE HEMANT CHANDANGOUNDAR

W.P. No.26564 of 2025

M.Ilavarasi

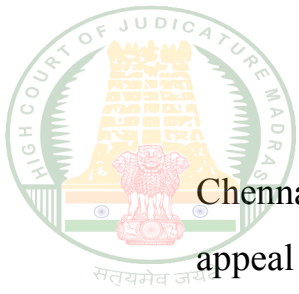
... Petitioner

vs.

1. The District Collector
Singaravelar Maaligai
Rajaji Road, G.T
Chennai - 600 001
Chennai District
2. The Revenue Tahsildar
Aminjikarai Taluk
Chennai District
3. The Assistant Executive Engineer
Water Development Department
Coovam Basin Sub Division
Chepauk
Chennai - 600 005

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus forbearing the respondents or their men and subordinates from changing the physical features of the property measuring 3900 sq.ft comprised in T.S.No.5, Vada Agaram Village, Aminjikarai Taluk,



Chennai District till the disposal of the stay petition and petitioner's statutory appeal dated 01.07.2025 filed before the first respondent under Sections 10B and 10 of the TN Land Encroachment Act, 1905 respectively.

For petitioner : Mr.S.Shrish
for Mr.R.Kannan

For Respondents : Mr.T.K.Saravanan
Additional Government Pleader

ORDER
(Order of the Court was made by M. SUNDAR, J.)

A statutory appeal dated 01.07.2025 along with a stay petition (also dated 01.07.2025) filed by the writ petitioner is pending before R1. To be noted, statutory appeal is under Section 10 of 'the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity} and stay petition is under Section 10-B of said 1905 Act.

2. Learned counsel for writ petitioner submits that even prior to the filing of the afore-referred statutory appeal and stay petition, demolition happened on 28.06.2025. This submission is recorded but the grievance of



the writ petitioner is, pending afore-referred appeal and stay petition, a private party has put up boards in the property, which is subject matter of the appeal.

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3. It is necessary to maintain *status-quo* as the rights of the writ petitioner have to be determined in the appeal is learned counsel's say.

4. Issue notice.

5. Mr.T.K.Saravanan, learned Additional Government Pleader accepts notice for respondents and submits, on instructions, that the board put up by private entity adverted to by writ petitioner has since been removed and the same has been replaced by a Government Board.

6. The Board as placed before us by the writ petitioner is as follows:



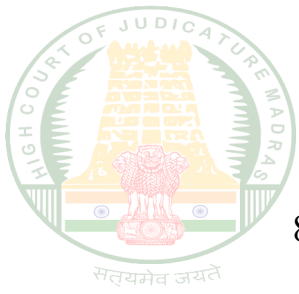
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7. Board as placed before us by the learned State counsel is as follows:





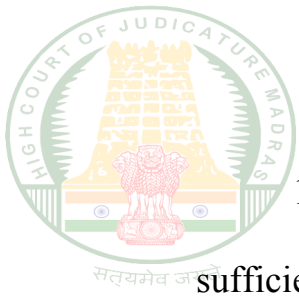
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8. There is some disagreement between writ petitioner counsel and learned State counsel as to whether the Government board has replaced the Board of the private entity. Without embarking upon the exercise of resolving this dispute, to ascertain the position obtaining today, as State counsel affirms that the afore-referred Board will be put up and *status quo* will be maintained till disposal of the stay petition, we deem it appropriate to write that the afore-referred Board of State shall be put up forthwith, if not already done.

9. Learned State counsel submits that the stay petition under Section 10-B of said 1905 Act pending with R1 will be disposed of within three weeks from today i.e., on or before 12.08.2025. The order made by R1 in the stay petition shall be duly served on the writ petitioner within five working days (under due acknowledgement).

10. After service in the afore-referred manner, the order will be kept in abeyance for ten days if it is adverse to the writ petitioner. If the order in the stay petition is in favour of the writ petitioner, that is curtains on the matter.

11. Further coercive action, if any will be subject to the disposal of stay petition and with a rider thereat to be kept in abeyance for ten days, if it is adverse to the writ petitioner.



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12. This Court is of the considered view that the narrative thus far is sufficient to give a closure to the captioned writ petition. We do so.

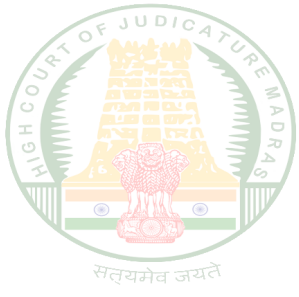
13. Captioned writ petition disposed of as closed in the aforesaid manner. There shall be no order as to costs.

(M.S., J.) (H.C., J.)
22.07.2025

Index : Yes/No
NC : Yes/No
gpa

To

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