



WEB COPY



W.P. No.13737 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE M. SUNDAR
AND
THE HONOURABLE MS. JUSTICE R.N. MANJULA

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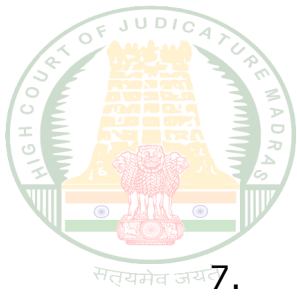
K.Boopathi

Petitioner

vs.

1. The District Collector
Salem District
Salem
2. The Revenue Divisional Officer
Salem District
Salem
3. The Deputy Thasildar No.2
Hasthampatti
Salem-7
4. M/s. Akshaya Private Limited
Having its registered office at
No.22, Second Street, Nehru Nagar
Adayar
Chennai 600 020
5. The Yercaud Coffee Curing Works Ltd.
No.3/22, Kondappanaickenpatty
Kannankurichi Post
Salem 636 008
6. The Sub-Registrar
Kannankurichi Post
Salem

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7. The Sub-Registrar
Salem

Respondents

(RR 6 and 7 *suo motu* impleaded *vide* order dt.05.07.2021)

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to consider the representation of the petitioner dated 28.10.2020 and restore the odai poramboke in S.No.193/2B situated at Kondappanaickenpatty Village, Kannangurichi Mitta, Salem Taluk and District.

For petitioner	Mr. S.P. Yuaraj
For RR 1 to 3, 6 & 7	Mr. T.K. Saravanan Additional Government Pleader
For R4	Mr. D. Shivakumaran
For R5	Mr. M. Kempraj

ORDER

(made by M. SUNDAR, J.)

Mr. S.P. Yuaraj, learned counsel for writ petitioner, Mr.T.K.Saravanan, learned Additional Government Pleader for RR 1 to 3, 6 and 7, Mr. D. Shivakumaran, learned counsel for R4 and Mr.M.Kempraj, learned counsel for R5 are before us.

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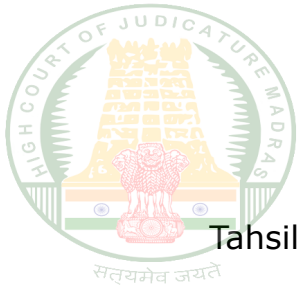
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2. Subject matter of captioned 'writ petition' (hereinafter 'WP' for the sake of brevity) is 'Survey No.193/2B in 001 Kondappanaickenpatty Village, Salem Taluk, Salem District' (hereinafter 'said property' for the sake of convenience and clarity).

3. Mr. S.P. Yuaraj, learned counsel on record for writ petitioner, submits that said property is odai poramboke, there is encroachment, writ petitioner sent representation dated 28.10.2020, there was no response and that has necessitated captioned WP.

4. As regards R5, learned counsel submits that said property has been sold to R4 and learned counsel for R4 submits that said property has been sold to third parties and that the sale is prior to the date of filing of captioned WP. To be noted, the sale was on 03.10.2020 is learned counsel's say (R4 counsel).

5. In the light of the narrative thus far, this Court is of the considered view that ends of justice will be served if R3 (Deputy



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Tahsildar No.2), under the supervision of R2 (Revenue Divisional Officer), is directed to conduct a survey of said property, draw up a survey report and if any encroachment is found *qua* said property, appropriate action under applicable statute should be commenced. We direct so.

6. Appropriate action under applicable statute, may be under the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905) or the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 (Tamil Nadu Act 8 of 2007) or any other statute and the same shall be commenced if alleged encroachment is by private parties and if the alleged encroachment is by State, appropriate restoration shall be done.

7. The aforementioned exercise shall be commenced and concluded as expeditiously as the business of official respondents would permit but in any event within 12 weeks from today *i.e.*, on or before 30.06.2025.



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8. Captioned WP stands disposed of in the aforesaid manner with aforereferred simple directive. There shall be no order as to costs.

(M.S., J.) (R.N.M., J.)
07.04.2025

cad
Index:Yes/No
Internet:Yes/No
NC: Yes/No

To

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5. The Sub-Registrar
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M. SUNDAR, J.

and

R.N. MANJULA, J.

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