



W.P.No.29309 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 17.07.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.29309 of 2022

A.Thirusangu
S/o.Azhagapuri

... Petitioner

vs.

1. The District Collector
Kallakurichi
Kallakurichi District.
2. The Revenue Divisional Officer
Tirukkoilur
Kallakurichi District.
3. The Tahsildar
Ulundurpet Taluk
Kallakurichi District.
4. The Block Development Officer
Ulundurpet Union
Ulundurpet Taluk
Kallakurichi District.
5. Ramasamy
S/o.Kandasamy
6. Chinnasamy

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S/o.Ayyakannu

... Respondents

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Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the respondents 1 to 4 to take appropriate action and to consider the petitioner's representations dated 23.12.2019 and 17.07.2020 and to evict the respondents 5 and 6 who have encroached and put up unauthorized illegal superstructures on the road vide survey numbers 94, 95 and 98.

For Petitioner : Mr.C.Samivel

For Respondents : Mr.T.K.Saravanan
Additional Government Pleader
for R1 to R4
Mr.B.Abdul Samath, for R6
R5 - unclaimed

ORDER

[Order of the Court was made by **M.SUNDAR J.**]

Captioned 'Writ Petition' {hereinafter 'WP' for the sake of brevity, convenience and clarity} has been filed for 'Removal of Encroachment' {hereinafter 'RoE' for the sake of brevity, convenience and clarity} qua 'S.Nos.94, 95 and 98 in Pali Village, Ulundurpet Taluk, Kallakurichi District'



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{hereinafter 'said lands' for the sake of brevity, convenience and clarity}.

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2. Mr.C.Samivel, learned counsel on record for writ petitioner, Mr.T.K.Saravanan, learned Additional Government Pleader for R1 to R4 and Mr.B.Abdul Samath, learned counsel on record for R6 (private respondent) are before us. R5 is deemed to be served owing to notice being unclaimed.

3. Learned State Counsel, on instructions, submits that S.No.94 has since been subdivided into 59 subdivisions, pattas have been issued to landless poors under Adi Dravidar Welfare Scheme, S.No.95 has been subdivided into 5 subdivisions and free house site pattas have been issued to landless poors under Adi Dravidar Welfare Scheme and as regards, S.No.98, the same has been subdivided into 68 subdivisions, while with regard to some subdivisions, pattas have been granted to landless poors under Adi Dravidar Welfare Scheme, some other subdivisions are roads.

4. Learned counsel for writ petitioner, submits that private respondents (R5 and R6) have encroached upon the roads. Learned counsel draws our attention to a communication dated 16.10.2019 from Ulundurpet Panchayat Union being letter bearing Na.Ka.No.AA4/2638/19 which is a response to a query from the writ petitioner under 'the Right to Information



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Act, 2005' {hereinafter 'RTI Act' for the sake of brevity, convenience and clarity}. This response says that with regard to S.No.98, notices under

Section 7 of 'the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity, convenience and clarity} followed by orders under Section 6 of said 1905 Act have been made but it does not mention the names of noticees.

5. Learned counsel for R6 submits that R6 has not received any notice under said 1905 Act.

6. Learned State Counsel also submits that no notice under said 1905 Act has been issued to R6.

7. In the above said backdrop, we deem it appropriate to make the following order:

(i) R3 (under the supervision of R2) shall survey the entire S.No.98 in Pali Village, Ulundurpet Taluk, Kallakurichi District, after putting on notice the writ petitioner as well as private respondents (R5 and R6) within a period of eight (8) weeks i.e., on or before 11.09.2025. It is made clear that the writ petitioner as well as private respondents (R5 and R6) can



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be present during the survey. Thereafter, R3 shall draw up a a survey report;

(ii) In the afore-referred survey report, R3 shall clearly set out the subdivisions which constitute roads and also mention if there are encroachments;

(iii) Subject to / depending on the aforesaid survey report, RoE proceedings under said 1905 Act shall be commenced by the Revenue Officials as expeditiously as the business of Revenue Officials permits but in any event on or before 06.11.2025;

(iv) As regards the response to query under RTI Act dated 16.10.2019, those noticees, who suffered orders under Section 6 of said 1905 Act shall be, of course, entitled to file appeals under Section 10 of said 1905 Act and revisions under Section 10-A of said 1905 Act;

and

(v) If encroachment is noticed in the survey report, rights and contentions of those who are proceeded against will stand



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preserved untrammelled by this order. Likewise, rights and contentions of those who have already been proceeded against under said 1905 Act, if any, will stand preserved.

Captioned WP is disposed of in the aforesaid manner with aforesaid observations, directions and preservation of rights as above. There shall be no order as to costs.

(M.S.J.,)

(H.C.J.,)

17.07.2025

Index : Yes / No

Neutral Citation : Yes / No

Speaking / Non-speaking

mk

To

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**M.SUNDAR, J.,
and
HEMANT CHANDANGOUDAR, J.,**

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