



W.P. No.15806 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2024

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MRS.JUSTICE **K.GOVINDARAJAN THILAKAVADI**

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P.Shanmugam

.. Petitioner

Vs.

1.The District Collector,
Dharmapuri District.

2.The Tahsildar,
Palacode Taluk Office,
Dharmapuri District.

3.The Block Development Officer,
Palacode Panchayat Union
Cuddalore District.

4.The President,
Belarahalli Village Panchayath,
Belarahalli Village, Palacode Taluk,

5.Settu (a) Lakshmanan
6.Krishnan

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus to direct the respondents 1 to 4 to take appropriate action to remove the encroachment by the 5th and 6th respondents on the petitioner's representation dated 21.04.2024 in S.No.1183/8 in Belarahalli Village, Palacode Taluk, Dharmapuri District.



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For Petitioner : Mr.V.Vijayakumar
for Mr.T.Naveen Chandar

For Respondents : Mr.P.Balathandayutham,
Spl. Govt. Pleader for R1 to R4

ORDER

(Order of the Court was made by **M.Sundar, J.**)

Read this in conjunction with and in continuation of earlier proceedings made in the previous listing on 19.06.2024 which reads as follows:

'Captioned writ petition has been filed qua a 'representation dated 21.04.2024' (hereinafter 'said representation' for the sake of convenience and clarity). To be noted, said representation pertains to alleged encroachment in 'Survey No.1183/8 in Belarahalli Village, Palacode Taluk, Dharmapuri District' (hereinafter 'said land' for the sake of convenience and clarity) by respondents 5 and 6 (private respondents).

2. Issue notice to official respondents.

3. Mr.P.Balathandayutham, learned Special Government Pleader accepts notice for respondents 1 to 4 (official respondents). Learned State counsel requests for a short accommodation to get instructions and revert to this Court.

4. List under the cause list caption 'ADJOURNED ADMISSION' in the Admission Board i.e., Motion List day after tomorrow. List on 21.06.2024.'



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2. Today, Mr.V.Vijayakumar, learned counsel representing Mr.T.Naveen Chandar, counsel on record for writ petitioner and Mr.P.Balathandayutham, learned Special Government Pleader for the four official respondents are before us.

3. Adverting to aforementioned earlier proceedings, learned State counsel submits that site visit was made and a notice under Section 7 of The Tamil Nadu Land Encroachment Act, 1905 has been issued.

4. The notice shown to us is addressed to R5, likewise R6 or any other encroacher shall also be put on notice. This puts the safety valve in place qua private respondents for disposal of main WP which is taken up in the Admission Board with the consent of both sides considering the narrowed down scope i.e., limited perimeter of captioned WP.

5. We dispose of captioned WP by saying proceedings commenced shall be continued, carried to its logical end and



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concluded on merits and in accordance with law. Though obvious, we make it clear that rights and contentions of R5 and R6 (private respondents) and or any other encroacher are all preserved qua notice that has been issued.

6. Captioned WP is disposed of with the aforementioned simple directive. There shall be no order as to costs.

(M.S.J.) (K.G.T.J.)
21.06.2024

Index:Yes/No
Neutral Citation: Yes/No
mmi

P.S. Though captioned writ petition is disposed of, Registry is directed to list the captioned Writ Petition under the cause list caption 'FOR REPORTING COMPLIANCE' on 02.08.2024.

To

- 1.The District Collector,
Cuddalore District.
- 2.The Tahsildar,
Virudhachalam Taluk,
Cuddalore District.
- 3.The Block Development Officer,
Virudhachalam Taluk,
Cuddalore District.
- 4.The President,



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Kilpathi Village Panchayat,
Virudhachalam Taluk,
Cuddalore District.

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**M.SUNDAR.J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,**

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