



W.P.No.16607 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

W.P.No.16607 of 2024

&

W.M.P.No.18218 of 2024

in

W.P.No.16607 of 2024

1. C.P.Dharmalingam

2. Mrs.Sampoornam

... Petitioners

Vs.

1. The State of Tamilnadu

rep. By its Secretary

Department of Revenue and Disaster Management

Secretariat, Fort St.George

Chennai – 600 009

2. The District Collector

Office of the District Collector

Collectorate, Hosur Road

Coimbatore – 641 018

3. The Tahsildar

Taluk Office

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Perur, Coimbatore District

4. The Revenue Inspector
Taluk Office
Perur Taluk, Perur
Coimbatore District

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing respondents herein to survey the lands in all the Survey Numbers in Survey Nos.12, 13 and 22 particularly Survey No.22/3 in Sundakamuthur Village, Coimbatore South Taluk, Coimbatore District, before proceeding further with any action in pursuance to the said notice dated 13.03.2024 issued by the 4th respondent and the related notice dated 17.05.2024 issued by the 3rd respondent under the Tamil Nadu Land Encroachment Act, 1905.

For Petitioners : Mr. GK.Muthukumar

For Respondents : Mr.C.Selvaraj
Additional Government Pleader

ORDER

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

Captioned writ petition pertains to 'land admeasuring 550 square meter comprised in S.No.22/3 in Sundakamuthur Village, Perur Taluk, Coimbatore District' [hereinafter 'said land' for the sake of convenience].

2. Notices/orders have been issued *inter alia* under Sections 7 and 6 of 'the Land Encroachment Act, 1905' {hereinafter 'said Act' for the sake of



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brevity} being notices signed on 07.05.2023 and 13.03.2024 respectively.

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3. The limited complaint of the writ petitioners is that they own lands comprised in various sub-divisions vide S.Nos.12 and 13 being private lands, they having purchased it under two separate sale deeds dated 13.06.1997 and 12.09.1997, registered as Document Nos. 1425/1997 and 1957/1997 respectively on the file of Sub-Registrar, Madhukarai [hereinafter 'petitioners' land' for the sake of convenience]. We make it clear that we express no opinion on the title of the petitioners but we find that the aforementioned notices under said Act pertain to said land and 550 square meters thereat. This means that the aforementioned notices under said Act do not pertain to S.Nos.12, 13 or any sub-divisions thereat.

4. Issue notice.

5. Mr.C.Selvaraj, learned Additional Government Pleader accepts notice for all four respondents.

6. Learned State counsel submits that the writ petitioners themselves have filed the topo-sketch, which according to them have been downloaded from the official website and have also placed a zoomed copy of the same at pages 56 and 57 of the typed-set and scanned reproduction of the same



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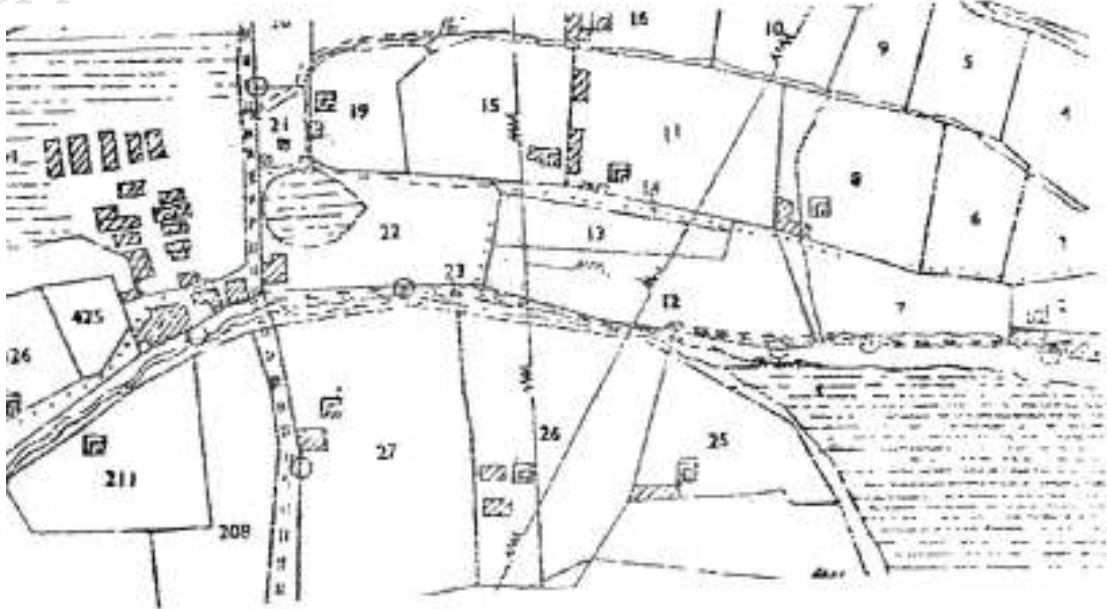
are as follows:

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7. The topo-sketch makes it clear that S.No.22 is distinct from S.Nos.12 and 13. Therefore, the respondents would proceed with the aforementioned notices i.e., notices signed on 07.05.2023 and 13.03.2024 under Sections 7 and 6 of said Act qua said land. As the position is clear even according to the writ petitioners, it will suffice to say that the respondents would proceed with regard to S.No.22/3 admeasuring 550 square meter or thereabouts as per aforementioned FMB sketch. As regards,



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S.Nos.12 and 13 and other sub-divisions and the sale deeds of the writ petitioners, we make it clear (as already alluded to supra) that we have not expressed any opinion or view much less on the title of the writ petitioners in this order. In other words, to put it differently, this order shall not be conferring any right or title qua writ petitioners as regards lands comprised in S.Nos.12 and 13 or any other survey numbers being subject matter of two sale deeds dated 13.06.1997 and 12.09.1997 registered as Document Nos. 1425/1997 and 1957/1997 respectively on the file of Sub-Registrar, Madhukarai.

8. To be noted, considering the limited scope of the captioned writ petition, main writ petition was taken up with the consent of both sides in the Admission Board and captioned writ petition is disposed of in the aforesaid manner i.e., closed with directive/observation as above. Consequently, captioned WMP thereat is also disposed of. There shall be no order as to costs.

(M.S.,J.)

(K.G.T.,J.)

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(½)

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Neutral Citation : Yes / No

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To

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rep. By its Secretary
Department of Revenue and Disaster Management
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Chennai – 600 009
2. The District Collector
Office of the District Collector
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M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,

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