



WEB COPY



W.P.No.19975 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :24.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

W.P.No.19975 of 2024

A.Subramanian

... Petitioner

Vs.

1. The District Collector
District Collectorate
Vellore District
Vellore – 632 012
2. The Revenue Divisional Officer (RDO)
Gudiyatham RDO Office
Gudiyatham
Vellore District – 632 012
3. The Tahsildar
K.V.Kuppam Tahsildar Office
K.V.Kuppam Taluk
K.V.Kuppam
4. The Revenue Inspector
Vadunganthangal Village

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K.V.Kuppam Taluk
K.V.Kuppam

5. The Village Administrative Officer
Thirumani Village, K.V.Kuppam Taluk
Vellore District

6. Mr.Rajesh

7. The Inspector of Police
Latheri Police Station
K.V.Kuppam Taluk
Vellore District

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the third respondent to comply the order issued by the 2nd respondent vide order No. ந.க.பி1.4242/2023 dated 27.12.2023 and the reminder of the same issued by the 1st respondent vide No.இ.மு.பி3/E-1906983/2024 dated 06.05.2024 against the encroachment of the 6th respondent with due protection from 7th respondent.

For Petitioner : Mr.Charles Muthusanthan

For Respondents : Mr.T.K.Saravanan
Government Advocate for R1 to R5

Mr.L.Baskaran
Govt. Advocate (Crl.side) for R7

Mr.R.Amizhdhu for R6



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ORDER

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

Captioned 'Writ petition' ['WP' for the sake of brevity] pertains to alleged encroachment in 'land comprised in S.No.94/2D in Thirumani Village, K.V.Kuppam Taluk, Vellore District' [hereinafter 'said land' for the sake of convenience and clarity].

2. Mr.Charles Muthusanthan, learned counsel for writ petitioner who is before us advertng to the writ affidavit drew our attention to proceedings dated 27.12.2023 bearing reference ந.க.பி/4242/2023 made by R2 [The Revenue Divisional Officer (RDO), Gudiyatham RDO Office, Gudiyatham, Vellore District] and proceedings dated 06.05.2024 bearing reference ஒ.மு.பி3/E-1906983/2024 made by R1 [The District Collector, District Collectorate, Vellore District, Vellore] submitted that there is alleged encroachment by R6 in said land and this is causing obstruction for the writ petitioner in reaching his land.

3. Issue notice regarding admission to respondents.

4. Mr.T.K.Saravanan, learned Government Advocate accepts notice



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for R1 to R5, Mr.L.Baskaran, learned Government Advocate (Crl.side) accepts notice for R7 and Mr.R.Amizhdhu, learned counsel accepts notice for R6 [Mr.Rajesh].

5. Mr.T.K.Saravanan, learned State counsel, on instructions, submitted that proceedings have been initiated under 'the Land Encroachment Act, 1905' {hereinafter 'said 1905 Act' for the sake of brevity} and notice under Section 7 of said 1905 Act has been issued to R6.

6. We find that the legal perimeter within which the captioned WP should now perambulate has dwindled vastly and therefore, with the consent of all learned counsel before us main WP was taken up in the Admission Board.

7.Mr.R.Amizhdhu, learned counsel for R6 confirmed the receipt of Section 7 notice and went on to add that R6 responded to Section 7 notice, after response from R6, orders have been made under Section 6 of said 1905 Act and the same has been challenged by R6 by way of a statutory appeal under Section 10 of said 1905 Act and this statutory appeal is before R1. Learned counsel for R6 submits that the statutory appeal is yet to be numbered and it is being pursued.



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8. The aforementioned stated position of the parties make it clear that law has been set in motion and due process of law qua alleged encroachment is underway. Therefore, we deem it appropriate to dispose of the captioned main WP recording the stated position of the parties making it clear that all questions are left open and all the rights and contentions of all the parties including the writ petitioner as well as R6 are preserved for being canvassed in the aforementioned statutory appeal or before any other Court/Fora/Authority.

9. We make it clear that the statutory appeal shall be decided by R1 on its own merits and in accordance with law untrammelled by any observation in this order. Further remedies of R6 would also obviously stand preserved.

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

(M.S.,J.) (K.G.T.,J.)
24.07.2024

Index : Yes / No
Speaking / Non-speaking order
Neutral Citation : Yes / No
gpa

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