



W.P.No.31976 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

**W.P.No.31976 of 2024**

and

**W.M.P.No.34730 of 2024**

in

**W.P.No.31976 of 2024**

B.Thiyagarajan  
S/o.Buthi Bather

... Petitioner

Vs.

1. The District Collector  
Thiruvallur District  
Thiruvallur.
2. The Thasildar  
Thiruvallur Taluk  
Thiruvallur District.
3. The Inspector of Survey  
Thirur Firka  
Thiruvallur Taluk and District.
4. Ramesh  
S/o.Ponnan

... Respondents

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**Prayer :**

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus forbearing the respondents from interfering the petitioner's house premises comprised in Survey No.126/7 at No.87, Veppampattu Village, Thirur Firka, Thiruvallur Taluk and District without any authority of law unless the petitioner's representation dated 03.06.2024 is disposed of in accordance with law.

For Petitioner : Mr.K.Balaji  
For Respondents : Mr.M.S.Arasakumar  
Government Advocate

**ORDER**

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

Captioned 'Writ Petition' {hereinafter 'WP' for the sake of brevity} has been filed with a mandamus prayer qua 'property situate in S.No.126/7, at No.87, Veppampattu Village, Thirur Firka, Thiruvallur Taluk and District' {hereinafter 'said property' for the sake of brevity}.

2. Mr.K.Balaji, learned counsel for writ petitioner very fairly drew our attention to revenue records (A-Register) which shows that said property is situate in land which is classified as 'அரசு புஞ்சை (தரிசு)'.

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3. There is also a suit that has been filed by writ petitioner in O.S.No.47 of 2024 on the file of District Munsif Court, Tiruvallur against fourth respondent but learned counsel submits that official respondents are disturbing him.

4. Issue notice to official respondents.

5. Mr.M.S.Arasakumar, learned Government Advocate accepts notice for R1 to R3.

6. Mr.M.S.Arasakumar, learned State Counsel points out that notice under Section 7 of 'the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said Act' for the sake of brevity} being notice dated 27.05.2024 bearing reference Na.Ka.89/2024 has been issued to writ petitioner and writ petitioner also sent his response dated 03.06.2024, the response dated 03.06.2024 is being considered and that the State would thereafter proceed to pass orders under Section 6 of said Act. After an order

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under Section 6 of said Act is passed, if it is adverse to writ petitioner, writ petitioner can prefer an appeal (under Section 10 of said Act) to R1 - District Collector along with stay petition under Section 10-B of said Act. If the order is not adverse to writ petitioner, that would be the end of the matter.

7. As regards the suit, as it is a private dispute between writ petitioner and R4, the same will proceed on its own merits and in accordance with law untrammelled by this order.

8. Considering the narrow compass on which the captioned matter turns, we took up the main WP with the consent of both sides and we are also putting in a safety valve qua R4 (private respondent). We make it clear that all rights and contentions of R4 (private respondent) in ensuing proceedings as well as suit remain completely preserved and this order will neither impede nor serve as impetus in such proceedings. Therefore, we are giving quietus to the captioned WP. Considering the facts and circumstances of the case, we are of the view that recording the stated position of learned State Counsel will suffice.



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9. This Writ Petition is disposed of recording the stated position of learned State Counsel. Consequently, Writ Miscellaneous Petition is also closed. There shall be no order as to costs.

(M.S.,J.)

(K.R.S.,J.)

06.11.2024

Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order

*mk*

To

1. The District Collector  
Thiruvallur District  
Thiruvallur.
2. The Thasildar  
Thiruvallur Taluk  
Thiruvallur District.
3. The Inspector of Survey  
Thirur Firka  
Thiruvallur Taluk and District.

**M.SUNDAR, J.,**  
**and**  
**K.RAJASEKAR, J.,**

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