



WEB COPY

W.P. No.37696 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2024

CORAM:

THE HON'BLE MR. JUSTICE M. SUNDAR
AND
THE HON'BLE MR. JUSTICE K. RAJASEKAR

W.P. No.37696 of 2024

R. Rajendiran

Petitioner

vs.

1. The Inspector of Panchayat/
The District Collector
Tiruvannamalai District
At Tiruvannamalai
2. The Revenue Divisional Officer/Sub Collector
O/o.The Revenue Divisional Officer
Cheyyar Taluk, Cheyyar
Tiruvannamalai District
3. The Tahsildar
Cheyyar Taluk, Cheyyar
Tiruvannamalai District
4. The Block Development Officer
Cheyyar Panchayat Union
Cheyyar Taluk
Tiruvannamalai District
5. The Deputy Superintendent of Police
Cheyyar
Tiruvannamalai
6. The Inspector of Police
Town Police Station
Cheyyar
Tiruvannamalai District



7. The Panchayat President
Vadathandalam Village
Cheyyar Taluk
Tiruvannamalai District

8. Murugan

9. Venkatesan

10. Indrakumar

11. Udhayan

12. Dilli

13. Dinagaran

14. A.Kathavarayan

15. Tamilvanan

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 4 and 7 to remove the encroachment made by the respondents 8 to 15 in Pillaiyar Kovil Street, Vadathandalam Village, Cheyyar Taluk, Tiruvannamalai District, pursuant to the notice issued by the 4th respondent under Sections 7 and 6 of Tamil Nadu Land Encroachment Act, 1905 by considering the petitioner's representation dated 21.08.2023 and reminder dated 29.01.2024, 04.03.2024, 26.06.2024, 16.09.2024 and 21.10.2024.

For petitioner

Mr. B. Gopalakrishnan

For RR 1to 3

Mr. M.S. Arasakumar
Government Advocate

For R4

Ms. M. Jayanthi
Addl. Govt. Pleader

For RR 5 & 6

Mr. A. Gokulakrishnan
Addl. Public Prosecutor

For R7

Mr. A.M. Ayyadurai

ORDER



(made by M. SUNDAR, J.)

Captioned main 'writ petition' ('WP' for the sake of brevity) has been filed with a mandamus prayer and subject matter is 'land comprised in Survey No.222 in Vadathandalam Village, Cheyyar Taluk, Tiruvannamalai District' ('said land' for the sake of convenience).

2. Learned counsel for writ petitioner, advertng to the case file, submits that said land admeasures 0.24.5 hectare and that it has been classified as நடை பாதை. Private respondents have encroached upon said land, proceedings have been initiated under 'Tamil Nadu Land Encroachment Act, 1905' (Tamil Nadu Act III of 1905) ('said 1905 Act' for brevity) and after the private respondents were show caused under Section 7 of said 1905 Act, an order/notice under Section 6 of said 1905 Act has also been made but there is inaction and that has necessitated the captioned writ petition, is learned counsel's further say.

3. Issue notice to official respondents, *i.e.*, respondents 1 to 7.



4. Mr. M.S. Arasakumar, learned Government Advocate, accepts notice for RR 1 to 3. Ms. M. Jayanthi, learned Additional Government Pleader, accepts notice for R4. Mr. A. Gokulakrishnan, learned Additional Public Prosecutor, accepts notice for RR 5 and 6. Mr.A.M. Ayyadurai, learned Government Advocate, accepts notice for R7.

5. Learned State counsel submits, on instructions, that the show cause notice under Section 7 of said 1905 Act is dated 09.11.2023 and after being show caused, a notice / order under Section 6 of said 1905 Act has been made on 20.11.2023. Learned State counsel submits that Section 6 notice/order dated 20.11.2023 has become final. In other words, learned State counsel submits that the Section 6 notice/order has been given legal quietus by the persons against whom said notice/order has been made. It is also submitted dates were fixed for eviction on earlier occasions but eviction could not be carried out owing to multiple reasons. Now, tomorrow (18.12.2024) has been fixed as date for eviction, is learned State counsel's further say.



6. Owing to the stated position of the learned State counsels, the presence of private respondents is not imperative for disposal of the captioned main WP. However, as a matter of abundant caution, we make it clear that all the rights and contentions of private respondents, viz., RR 8 to 15 will stand preserved. This means that if they are resorting to any remedy available to them under law, the same will proceed on its own merits and in accordance with law untrammelled by this order. In this view of the matter, main WP is taken up with the consent of learned counsel on both sides.

7. This Court deems it appropriate to dispose of the captioned main WP recording the stated position of the learned State counsel. To be noted, when we refer to 'State counsel', it is a reference in plural, i.e., we are referring to all the four counsel before us, viz., Mr.M.S.Arasakumar, learned Government Advocate for RR 1 to 3, Ms.M. Jayanthi, learned Additional Government Pleader for R4, Mr.A.Gokulakrishnan, learned Additional Public Prosecutor for RR 5 and 6 and Mr. A.M. Ayyadurai, learned Government Advocate for R7.

8. Captioned WP is disposed of as closed in the aforesaid manner. There shall be no order as to costs.

(M.S., J.) (K.R.S., J.)
17.12.2024

Index : Yes/No
NC : Yes/No
cad



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M. SUNDAR,

and

K. RAJASEKAR, J.

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