



W.P.No.1237 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2025

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.No.1237 of 2025

W.M.P.No.1493 of 2025

Annai Educational and Charitable Trust,
Represented by its Managing Trustee,
Mr.K.T.Elayakannu,
Son of Late.Thiruman,
D.No.169, Ayyampettai, Thumbal Post,
Pethanayakanpalaiyam,
Salem – 636 009.

...Petitioner

Vs

- 1.The Additional Chief Secretary,
Tamil Nadu Government,
Office of the Chief Secretary,
Fort St.George, Chennai – 600 009.
- 2.The District Collector,
Office of the District Collector,
Salem – 636 001.
- 3.The Principal Director,
Office of the Principal Director,
Directorate of Town and Country Planning Department,
2nd, 3rd and 4th Floor, C & E Market Road,
Koyambedu, Chennai – 600 107.
- 4.The Joint Director,



W.P.No.1237 of 2025

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Directorate of Town and Country Planning Department,
Thalavatty Post,
Steel Plant Main Road,
Salem – 636 302.

5.The Joint Director of Agriculture,
Cherry Road, Near Valluvar Statue,
Salem – 636 007.

6.The Principal Director,
Office of the Principal Director of RERA,
Real Estate Regulatory Authority Office,
Chennai – 600 009.

7.The Principal Secretary to Government,
Commissioner of Agricultural Production
And Principal Secretary Office,
Secretariat, Fort St.George,
Chennai – 600 009.

8.Rajkumar

9.P.K.Senthilnathan

10.A.Murugan

...Respondents

PRAYER :-Writ Petition filed under Article 226 of the Constitution of India, pleased to issue Writ of Mandamus, to direct the respondents herein to take action in accordance with law against the respondents 8, 9 and 10 by considering the representation forwarded by the petitioner herein dated 27.11.2024.

For Petitioner : Mr.V.Raghavachari (Senior Counsel)
for M/s.V.Srimathi



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W.P.No.1237 of 2025

For Respondents : Mr.A.Selvendran
Special Government Pleader
(For R1 to R7)

ORDER

The petitioner seeks the limited relief of the consideration of its representation dated 27.11.2024 in and by which they had sought action against respondents 8, 9 and 10 who allegedly encroached into the petitioner's property despite the pendency of a suit in O.S.No.290 of 2023 on the file of the learned Principal District Judge, Salem.

2.Heard the learned counsels on either side and perused the records. Mr.A.Selvendran, the learned Special Government Pleader takes notice for R1 to R7.

3.The petitioner's contention is that they had duped into signing a sale deed in favour of the eighth respondent as a security of a sum of Rs.24,00,000/- borrowed by the petitioner Trust. The petitioner would submit that property continue to remain in the hands of the petitioner who had been carrying out agricultural activities. The petitioner would also contend that there is an agreement between the parties that the property in



W.P.No.1237 of 2025

WEB COPY

question would be reconveyed on repayment of the loan. Since, the eighth respondent had not come forward to reconvey the land, the aforesaid suit in O.S.No.290 of 2023 was filed for a specific performance to enforce the reconveyance agreement. While the above suit was pending, it is the contention of the petitioner that the respondents 8, 9 and 10 have taken law into their hand and trespassed into the petitioner's property reclassifying the lands from agricultural lands to house sites after destroying the agricultural products and putting up a layout of house sites. The petitioner had therefore addressed its representation to the respondents to take action against the respondents 8 to 10 for converting the agricultural lands fraudulently into housing plots without property planning permission and licence. The representation which has been filed on 27.11.2024 has not been considered. In the light of this limited request, the present Writ Petition is allowed and a mandamus is issued to the respondents 1 to 7 to consider the representation after giving due notice to the petitioner as well as the respondents 8 to 10 within a period of eight weeks from the date of receipt of copy of this order.

4. Accordingly, the Writ Petition is allowed with the above directions. No costs. Consequently, connected miscellaneous petition is



closed.

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Index : Yes/No

Internet : Yes/No

Speaking Order/Non Speaking Order
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W.P.No.1237 of 2025

24.01.2025

To

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W.P.No.1237 of 2025

WEB COPY

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WEB COPY



W.P.No.1237 of 2025

W.P.No.1237 of 2025
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