



W.P.No.5153 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2025

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

W.P.No.5153 of 2025

P.Sadasivam

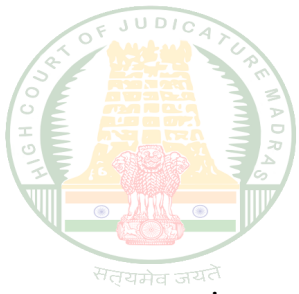
S/o.Pakkiri Mudaliar

...Petitioner

Vs

1. The District Collector
Cuddalore District.
2. The Tahsildar
Kattumannarkoil
Cuddalore District.
3. The Executive Officer
Kattumannarkoil Town Panchayat
Cuddalore District.
4. Rani @ Azhagu Rani
President
Adhiparasakthi Weekly Prayer Center
Sivan Koil Sannadhi, Udaiyarkudi
Kattumannarkoil, Cuddalore District.

...Respondents



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Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st to 3rd respondents to remove the encroachment of Anandeeswarar Temple Road, Sivan Koil Sannadhi, Udaiyarkudi, Kattumannarkoil, Cuddalore District made by the 4th respondent.

For Petitioner : Mr.T.Dharani
for Mr.K.Raja
For Respondents : Mr.T.K.Saravanan
Additional Government Pleader
for R1 and R2
Mr.M.Bindran
Additional Government Pleader
for R3

ORDER

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

Mr.T.Dharani, learned counsel representing Mr.K.Raja, counsel on record for writ petitioner is before this Court.

2. Learned counsel submits that there is encroachment in Government Poromboke land, R4 is alleged encroacher and seeks a mandamus qua R1 to R3 to remove encroachment. Learned counsel points out that repeated request for removal of alleged encroachment went into vain and that has necessitated the captioned WP.

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3. Issue notice to official respondents.

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4. Mr.T.K.Saravanan, learned Additional Government Pleader accepts notice for R1 and R2 and Mr.M.Bindran, learned Additional Government Pleader accepts notice for R3.

5. Learned State Counsel submits that pursuant to judicial order dated 09.02.2023, R4 (private respondent - Rani @ Azhagu Rani, President, Adhiparasakthi Weekly Prayer Centre) has approached R1 [the District Collector, Cuddalore District] vide representation dated 14.02.2023, enquiry is at an advanced stage and orders will be passed by R1 within a fortnight from today i.e., on or before 03.03.2025.

6. We find that there are two earlier rounds of litigation in this Court by way of writ petitions filed by R4 being W.P.Nos.10899 of 2018 and 16994 of 2018 on the same subject matter. While former writ petition has been disposed of by one Hon'ble Division Bench in and by an order dated 27.04.2018 the latter has been disposed of by another Hon'ble Division Bench in and by an order dated 09.02.2023. The latter order i.e., order dated 09.02.2023 in W.P.No.16994 of 2018 and WMP thereat has granted liberty to R4 (writ petitioner therein) to approach R1 with an application



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seeking permission to run prayer hall and has further directed R1 to consider the same and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to all parties. We preserve rights of R4 in this regard. Therefore, there is no impediment in taking up main WP in the Admission Board and we do so with the consent of learned counsel on both sides.

7. This Court is informed that the subject matter of captioned WP is 'Government Poromboke land admeasuring 10 Ares (22 cents or thereabouts) comprised in S.No.78/26, R.S.No.258 in 50, Udayarkudi Village, Kattumannar Kovil Taluk (Town Panchayat), Cuddalore District' {hereinafter 'said land' for the sake of brevity, convenience and clarity}.

8. The case file and submissions bring to light that R4 filed a writ petition in W.P.No.10899 *inter alia* assailing an order dated 09.04.2018 made by R3 before us. This 09.04.2018 order is not before us but a perusal of order dated 27.04.2018 in W.P.No.10899 of 2018 brings to light that 09.04.2018 order is an order made by R3 before us under Section 180 of 'The Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920)' {hereinafter 'said Act' for the sake of brevity, convenience and



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clarity}. To be noted, Section 180 of said Act deals with prohibition against obstructions in or over streets. It is to be further noted thereafter 'The Tamil Nadu Urban Local Bodies Act, 1998 (Act 9 of 1999)' (hereinafter 'TNULB Act' for the sake of convenience and clarity) kicked in on 13.04.2023, said Act stood repealed vide Section 200(1)(b) of TNULB Act but vide Section 200(3)(e) of TNULB Act, all things done under said Act prior to coming into force of TNULB Act stand saved.

9. In and by order dated 27.04.2018, one Hon'ble Division Bench of this Court directed this 09.04.2018 order to be treated as 'Show Cause Notice' {'SCN'} with a further direction permitting R4 to give a representation and judicial order also directs disposal of representation within a time frame. This Court is informed that as part of this exercise, R4 gave representations dated 23.05.2018 and 31.05.2018 and the same came to be disposed of by an order made by R3 being 'order dated 07.06.2018 bearing reference Na.Ka.No.A3/89/2018' {hereinafter 'said order' for the sake of brevity, convenience and clarity}.

10. It comes to light that said order was assailed by R4 in and by the afore-referred W.P.No.16994 of 2018 which came to be disposed of in and



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by an order dated 09.02.2023 as already alluded to supra. The operative portion of this 09.02.2023 order is paragraph No.7 and the same reads as follows:

'7. In view of the above submission made by the counsel for both sides, this Court, without going into the merits of the case, grants liberty to the petitioner to approach the District Collector with an application seeking permission to run the prayer hall in the land in question, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such application, the District Collector shall consider the same and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to all parties, within a period of eight weeks, thereafter. Till such time, the respondents shall maintain status quo, as on date.'

11. It is pursuant to the aforementioned judicial order and more particularly, operative portion, R4 in the captioned WP has approached R1 by way of representation dated 14.02.2023 about which also there is allusion supra.



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12. As learned State Counsel submits on written instructions that R1

will now pass orders within a fortnight from today i.e., on or before 03.03.2025, let the same be done. Order to be made by R1 shall be duly served on R4 as well as writ petitioner under due acknowledgment within 5 working days from the date of the order. All rights and contentions of R4 as well as writ petitioner are preserved for assailing (in a manner known to law) the order to be made by R1, if so advised and if so desired.

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

[M.S.,J.]

[K.G.T.,J.]

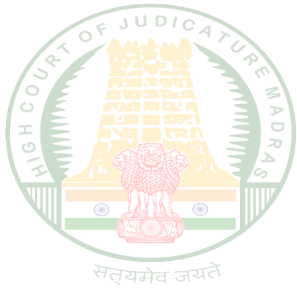
17.02.2025

Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order

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M.SUNDAR, J.,
and

K.GOVINDARAJAN THILAKAVADI, J.,

mk

To

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Cuddalore District.
2. The Tahsildar
Kattumannarkoil
Cuddalore District.
3. The Executive Officer
Kattumannarkoil Town Panchayat
Cuddalore District.

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