



W.P.No.17707 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2025

CORAM:

THE HONOURABLE Mr. JUSTICE M.SUNDAR
AND
THE HONOURABLE Mr. JUSTICE T. VINOD KUMAR

W.P.No.17707 of 2024

A.Sasikala

.. Petitioner

Vs.

1.The District Collector
Collectorate
Nagapattinam and Post
Nagapattinam Dist.

2.The Revenue Divisional Officer
O/o.The RDO
Nagapattinam Dist.

3.The Tahsildar
Taluk Office
Thirukuvalai and Post
Nagapattinam Dist.

4.R.Silambarasan

5.T.Selvam

6.The President
Vazhakarai Village Panchayat Board
Vazhakarai and Post
Thirukuvalai Tk
Nagapattinam Dist.

.. Respondents



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Writ Petition filed under Article 226 of the Constitution of India praying for issue of a writ of mandamus directing the respondents 1 to 3 herein, to evict the unlawful encroachments made by the 4th respondent in the housing plot assigned to the petitioner as per the patta issued in Na.Ka.No.3691/2023 (B2) dated 10.06.2023 by the revenue department to enable the petitioner to possess and enjoy the same.

For petitioner : Mr.K.M.S.Muthukumaran
For RR1 to 3 & 6 : Mr.T.K.Saravanan
Additional Government Pleader

ORDER

(made by M.SUNDAR, J.)

The case of the writ petitioner is that she was assigned a piece of land *vide* 'proceedings dated 10.06.2023 bearing reference Na.Ka.No.3691/2023 (B2)' [hereinafter 'said assignment order' for the sake of convenience and clarity]. Land assigned to writ petitioner *vide* said assignment order is a piece of land situate in 'Survey No.121 in 15, Vazhakarai Village, Thirukuvalai Taluk, Nagapattinam District' [hereinafter 'said land' for the sake of convenience and clarity].

2. Mr.K.M.S.Muthukumaran, learned counsel on record for writ petitioner, who is before us, submits that said land was assigned to writ



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petitioner and patta was granted under a welfare scheme of the State, in the light of writ petitioner having earlier occupied Government Poramboke land (dwelling house).

3. It is the further case of the writ petitioner that said land, even on the date of assignment *i.e.*, 10.06.2023, was under encroachment and according to writ petitioner, the alleged encroachers are respondents 4 and 5 (private respondents). In this regard, writ petitioner has sent a 'representation dated 11.07.2023' [hereinafter 'said representation' for the sake of convenience and clarity].

4. Notice has been ordered only to the official respondents and Mr.T.K.Saravanan, learned Additional Government Pleader, on behalf of respondent nos. 1 to 3 and respondent no.6, is before us. However, second respondent (RDO) has filed a counter affidavit dated 27.01.2025, wherein, at paragraph 6, it has been stated that assignment has been confirmed and it has been further averred that second respondent has acted upon said representation *inter alia* saying that said land was already under encroachment, even on the date of assignment. To be noted, second respondent has made a positive averment that proceedings for Removal of Encroachment (RoE) have already



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been commenced and eviction notices have already been served on respondent

no.4. We deem it appropriate to extract and reproduce the relevant portion of paragraph 6 of counter affidavit of second respondent and the same reads as follows:

'6. I submit that the petitioner has now filed the writ petition praying to evict the unlawful encroachments made by the fourth respondent in the housing plot assigned to the petitioner as per the patta issued in Na.Ka.No.3691/2023/B2 dated 10.06.2023 by the revenue department. I further submit that proceedings have already commenced under the application filed by the petitioner herein for eviction of the fourth respondent and eviction notice has already been served on the fourth respondent. The Government is ready to initiate further eviction proceedings'

5. Adverting to the aforesaid proceedings, learned State Counsel submits that RoE proceedings commenced are under 'The Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' [hereinafter 'said 1905 Act' for the sake of brevity] and that the same would be concluded within eight weeks from today *i.e.*, on or before 01.10.2025.

6. We make it clear that the above said time frame will apply only with regard to orders under Section 6 and enforcement of the same, if the person suffering the Section 6 order, be it fourth respondent, fifth respondent or any other person does not prefer any appeal under Section 10 of said 1905 Act. If it



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is not so, *i.e.*, if the person suffering a Section 6 order prefers an appeal under

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Section 10, coercive action, if any and that be so, will be subject to orders under Section 10 and further revision, if any, will be under Section 10-A of said 1905 Act. Though obvious, for the sake of specificity, we clarify that if the Section 6 order is in favour of noticee, the time frame obviously will become otiose. To put it differently, if person/s suffering Section 6 order prefers appeal under Section 10, the aforereferred time frame/time gap of 01.10.2025 will pale into insignificance and RoE proceedings, if at all and if that be so, shall be subject to the appeal and further revision and order thereat.

7. We leave open all the rights and contentions of writ petitioner as well as respondents 4 and 5 (private respondents), with regard to proceedings under said 1905 Act which are underway. In this view of the matter, we dispense with notice to respondents 4 and 5 (private respondents), take up the captioned main WP with the consent of learned counsel for writ petitioner and State Counsel and dispose of the same in the aforesaid manner. There shall be no order as to costs.

(M.S., J.) (T.V.K., J.)
07.08.2025

Index : Yes/No

Neutral Citation : Yes/No
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M.SUNDAR, J.
AND
T. VINOD KUMAR, J.
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To

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Nagapattinam Dist.

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