



W.P.No.4306 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MRS.JUSTICE **K.GOVINDARAJAN THILAKAVADI**

W.P.No.4306 of 2025

and

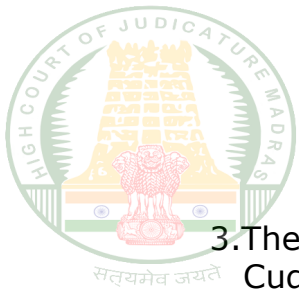
W.M.P. No.4814 of 2025 in W.P.No.4306 of 2025

- 1.Ilayaperumal
- 2.Ramalingam
- 3.Hari Harasudhan
- 4.R.Gunasekar
- 5.L.Porsingam
- 6.M.Sastha
- 7.P.Arunagiri
- 8.D.Usha
- 9.Panneer
- 10.Suba
- 11.Rathinavel

... Petitioners

Vs.

- 1.State of Tamil Nadu rep. By its
Principal Secretary to Government,
Revenue and Disaster Management
Department, Fort St. George,
Secretariat, Chennai – 600 009.
- 2.The District Collector,
Cuddalore District, Cuddalore.



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3.The Revenue Divisional Officer,
Cuddalore Revenue Division,
Cuddalore, Cuddalore District.

4.The Tahsildhar,
Cuddalore Taluk,
Cuddalore, Cuddalore District.

5.The Revenue Inspector,
Thiruvanthipuram Firka,
Cuddalore Taluk, Cuddalore District.

6.The Village Administrative Officer,
Vellakarai Revenue Village,
Vellakarai, Cuddalore Taluk,
Cuddalore District.

7.The Inspector of Police,
Naduveerapattu Police Station,
Naduveerapattu,
Cuddalore District.

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus forbearing the respondents 2 to 6 from interfering the peaceful possession and enjoyment of petitioners in their respective occupation of lands in S.No.207/2 situated at V.Pethankuppam, Vellakarai Revenue Village, Cuddalore Taluk, Cuddalore District without following due process of law and consequently direct the second respondent to consider the petitioners' representation dated 30.01.2025 for protecting their cashew nut cultivation till harvesting the same.



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For Petitioners : Mr.M.R.Jothimanian
For Respondents : Mr.J.Ravindran,
Additional Advocate General
assisted by
Mr.T.K.Saravanan,
Government Advocate
for R1 to R6
Mr.A.Gokulakrishnan,
Additional Public Prosecutor
for R7

ORDER

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

In the captioned main 'Writ Petition' (hereinafter 'WP' for the sake of brevity), there are eleven writ petitioners.

2. Subject matter of the captioned main WP is 'lands comprised in Survey No.207/2, V.Pethankuppam, Vellakarai Revenue Village, Cuddalore Taluk, Cuddalore District' (hereinafter 'said lands' for the sake of convenience and clarity).

3. Mr.M.R.Jothimanian, learned counsel on record for writ petitioners submitted that said lands is no doubt public lands having been classified as 'Tharisu' but writ petitioners are being summarily dispossessed is his further say.

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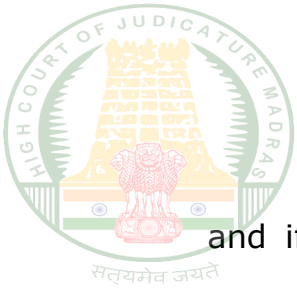
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4. Issue notice.

5. Mr.T.K.Saravanan, learned Government Advocate accepts notice for R1 to R6 and Mr.A.Gokulakrishnan, learned Additional Public Prosecutor accepts notice for R7.

6. Mr.T.K.Saravanan, learned Government Advocate is led by learned Additional Advocate General and Senior Counsel Mr.J.Ravindran. Learned Additional Advocate General on instructions submits that only three out of the 11 writ petitioners viz., writ petitioners 1, 2 and 4 (Mr.Ilayaperumal, S/o.Mr.Adimoolam, Mr.Ramalingam, S/o.Mr.Kasiraja and Mr.R.Gunasekar, S/o.Mr.Rayar) are encroachers as per the Government records and the others are utter strangers.

7. Be that as it may, learned Additional Advocate General in his usual fairness submitted that notice under Section 7 of 'The Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity}' has been issued to petitioners 1, 2 and 4, they can respond and coercive action (if any



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and if that be so) will be subject to further orders obviously under Section 6 of said 1905 Act. It was also submitted by learned Additional Advocate General that only the cashew crops cultivated by the encroachers in portions of said lands are being removed and those portions where dwelling houses are situate, the same are not (for the present) within the sweep of action which is subject matter of captioned main WP.

8. It was also further submitted by learned Additional Advocate General that as regards the remaining eight writ petitioners they can send a representation with supporting documents if any i.e., documents that demonstrate that said writ petitioners are also encroachers who have raised crops and if such representation is sent, the same shall be considered and suitable orders will be made by R4 i.e., jurisdictional Revenue Tahsildar.

9. Owing to limited scope of the captioned main WP, main WP is taken up in the Admission Board with the consent of learned counsel on both sides.



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10. In the light of the narrative thus far, the following consent order is made:

10.1 Notice under Section 7 of said 1905 Act dated 19.12.2024 bearing reference Na.Ka.A1/3693/2024 as regards petitioners 1, 2 and 4 shall be treated as notice under Section 7 of said 1905 Act that have been served on the three writ petitioners today (10.02.2025);

10.2 The three writ petitioners viz., Mr.Ilayaperumal, S/o.Mr.Adimoolam, Mr.Ramalingam, S/o.Mr.Kasiraja and Mr.R.Gunasekar, S/o.Mr.Rayar shall respond to the aforementioned notices within fifteen days from today i.e., on before 24.02.2025;

10.3 As regards the remaining eight writ petitioners, they shall send representation with supporting documents to show that they have also



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encroached upon said lands and raised crops within ten days from today i.e., on or before 20.02.2025;

10.4 R4 shall now pass orders on the response to Section 7 notices as regards the three writ petitioners and dispose of the aforesaid representations;

10.5 Any further coercive action qua said lands shall be subject to and depending on the Section 6 orders and the disposal of the representations;

10.6 Section 6 orders and the disposal of the representations shall be served on the persons concerned i.e., eleven writ petitioners under due acknowledgment within five working days from the date of order/disposal;

10.7 If Section 6 orders and disposal of representations are in favour of the writ petitioners, that would be curtains on the matter if that be so and if



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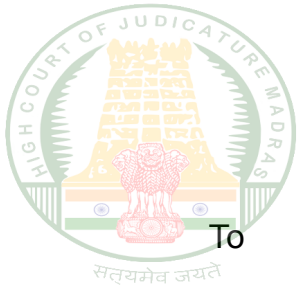
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any one or two or all orders are adverse to the writ petitioners, the adverse orders shall be kept in abeyance for ten days from the date of service on the writ petitioners so as to enable the writ petitioners concerned to prefer an appeal under Section 10 of said 1905 Act as regards Section 6 orders and work out other remedies, if any, as regards disposal of representations.

11. Captioned main WP is disposed of in the aforesaid manner. Though obvious, it is made clear that aforementioned order will apply only insofar as eleven writ petitioners are concerned. Consequently, connected Writ Miscellaneous Petition (WMP) thereat is disposed of as closed. There shall be no order as to costs.

(M.S.,J.) (K.G.T.,J.)
10.02.2025

Index : Yes / No
Neutral Citation : Yes / No
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To

1. The Principal Secretary to Government,
Revenue and Disaster Management
Department, Fort St. George,
Secretariat, Chennai – 600 009.
2. The District Collector,
Cuddalore District, Cuddalore.
3. The Revenue Divisional Officer,
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