



W.P.No.6481 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 05.03.2025

CORAM

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

and

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

W.P.No.6481 of 2025

&

W.M.P.No.7130 of 2025 in W.P.No.6481 of 2025

K.Govindan

... Petitioner

vs.

1. The District Collector
District Collector Office
Dharmapuri District
2. The Revenue Divisional Officer
Revenue Divisional Office
Dharmapuri District
3. The Superintendent of Police
Land Grabbing Unit
District Superintendent of Police Office
Dharmapuri District
4. The Deputy Superintendent of Police
Deputy Superintendent of Police Office
Dharmapuri District
5. Vasudevan (Ex.Panchayath Member)
Son of Annamalai

... Respondents

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Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the second respondent to consider the representation dated 31.01.2025 and direct the 1st and 2nd respondents to remove the encroachment made by the fifth respondent.

For Petitioner : Mr.Mohammed Aasif

For Respondents : Mr.T.K.Saravanan
Addl. Govt. Pleader for R1 and R2

Mr.Babu Muthu Meeran
Addl.Public Prosecutor for R3 and R4

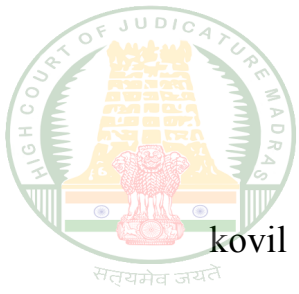
ORDER

[Order of the Court was made by **K.GOVINDARAJAN THILAKAVADI, J.,**]

Captioned writ petition is filed with a prayer to direct the second respondent i.e., Revenue Divisional Officer, Dharmapuri District to consider the representation of the petitioner dated 31.01.2025 and further direct Respondents 1 and 2 to remove the encroachment made by the fifth respondent (private respondent) herein.

2. It is the case of the petitioner that the usufructs of the Tamarind trees situated in the land measuring to an extent of 94 cents in Survey No.52/3 (patta No.119) has to be handed over to Aavalur Mari Amman

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kovil as per the terms of the document executed in favour of the said temple. It was in practice that the villagers used to sell the usufructs from the tamarind trees by way of public auction and the amount realized from the same will be used for the temple.

3. While so, in the year 2018, the villagers gave a petition to the Revenue Divisional Officer to cancel the patta issued in favour of the writ petitioner pursuant to which summon was issued to the petitioner to appear before the Revenue Divisional Officer, Harur on 13.08.2018.

4. Since the villagers have encroached upon the said land, the petitioner was constrained to file a civil suit in O.S.No.56 of 2018 and also preferred a police complaint against the said encroachers.

5. The further contention of the writ petitioner is that he had made several representations to the concerned authorities but no action has been taken till date. Hence, the petitioner is constrained to file the present writ petition for a direction to Respondents 1 and 2 to remove the alleged encroachment made by the fifth respondent and other villagers.

6. Issue notice.

7. Mr.T.K.Saravanan, learned Additional Government Pleader accepts



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notice for R1 and R2 and Mr.Babu Muthu Meeran, learned Additional

Public Prosecutor accepts notice for R3 and R4.

8. The learned Additional Government Pleader submits on instructions that the Survey No.52/3 is classified as Government Poramboke land, but during the UDR scheme, patta was wrongly issued in favour of the petitioner and hence, the official respondents are taking action to cancel the patta issued in favour of the petitioner.

9. Heard on both sides. Records perused.

10.It is to be noted that there is suppression of fact in the support affidavit about the pendency of civil suit filed by the writ petitioner. Only after this Court made the proceedings on 26.02.2025, the same is disclosed by way of additional affidavit.

11. Therefore, considering the above facts and circumstances of the case, we deem it appropriate to pass the following order:

i) The respondents are directed to conduct due enquiry with regard to cancellation of patta after putting on notice, the writ petitioner and private respondent and any one concerned;



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ii) It is open to the petitioner to pursue the civil suit and

WEB COPY the criminal case in accordance with law.

In the result, this writ petition is dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

(M.S.,J.)

(K.G.T.,J.)

05.03.2025

Index : Yes/No

Neutral Citation : Yes/No

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**M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,**

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