



WEB COPY



W.P. No.7758 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR
and
THE HONOURABLE MRS. JUSTICE K. GOVINDARAJAN THILAKAVADI

W.P. No. 7758 of 2025 and W.M.P. Nos. 8713 & 8715 of 2025

Sivan

Petitioner

vs.

1. The District Collector
Dharmapuri District
2. The Tahsildar
Palacode
Dharmapuri District
3. The Revenue Inspector
Vellichandai
Palacode Taluk
Dharmapuri District
4. The Special Tahsildar
Adi Dravidar Welfare Department
Dharmapuri District

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus directing the respondents 1-3 to call for the records of the impugned order of eviction notice under Section 6 of the Tamil Nadu Encroachment Act, 1905 dated 06.02.2025 on the file of the 2nd respondent and quash the same and further direct

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the respondents 1-3 to not to disturb the peaceful possession and occupation the petitioner's premises situated at Door No.3/1, Soodapattai Village, Palacode Taluk, based on the appeal to the 1st respondent dated 25.02.2025.

For petitioner Mr. S.C.Vishwanth

For respondents Mr. T.K. Saravanan
Additional Government Pleader

ORDER

[made by K. GOVINDARAJAN THILAKAVADI, J.]

The captioned writ petition pertains to the land comprised in S.Nos.331/2B and 378/4 measuring to an extent of 0.02 cents in Soodapatti Village, Palacode Taluk, Dharmapuri District.

2. According to the writ petitioner, the said land was assigned to him under the Adi Dravidar Welfare scheme; while so, a notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 (for brevity "the LE Act") was issued; hence, he preferred a suit in O.S.No.2 of 2025 on the file of the District Munsif Court, Palacode, seeking the reliefs of declaration that the aforementioned notice under Section 7 of the LE Act is null and void and also permanent injunction;

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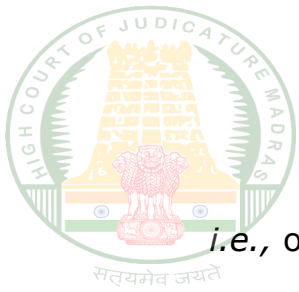


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when things stood thus, a notice under Section 6 of the LE Act was issued on 06.02.2025 under the misconception that the land in question is a Natham land allotted for community hall on which the writ petitioner has encroached; hence, the writ petitioner was constrained to file an appeal before the first respondent (District Collector) on 25.02.2025 along with a petition to stay further proceedings; pending the said appeal and stay petition, the impugned notice has been issued; hence, the present writ petition challenging the aforereferred notice issued under Section 6 of the LE Act and for a direction to the respondents not to disturb the petitioner's peaceful possession and enjoyment of the property in question.

3. Issue notice to the respondents.

4. Mr. T.K. Saravanan, learned Additional Government Pleader, accepts notice for the respondents and submits, on instructions, that the writ petitioner is a rank encroacher and an appeal, together with a stay petition thereat, is under consideration before the first respondent and the stay petition will be considered and orders will be passed thereon within a period of two weeks from today



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i.e., on or before 20.03.2025.

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5. Further, after some arguments, the learned counsel for the writ petitioner, made an endorsement in the case file stating that he undertakes that the aforereferred suit will be withdrawn since it was inadvertently filed and it is barred by Section 14 of the LE Act. A scanned reproduction of the endorsement is as under:

The Counsel for the petitioner undertakes to withdraw the suit filed in OS No. 2/25 on the file of District Munsif Court, Palacode as the suit is barred U/s. 14 of T.N. Limitation Act and filed with wrong impression and the petitioner not presses the suit (OS. 2/25) as it is legally barred U/s. 14.

[Signature]
2688/09
Counsel to Petitioner
6/3/25

6. In the facts and circumstances of the case, we deem it appropriate to record the aforesaid submission of the learned Additional Government Pleader and also the aforesaid endorsement made by the learned counsel for the writ petitioner in order to give a closure to the matter by directing the first respondent to dispose of the writ petitioner's stay petition filed under Section 10-B of the LE Act, on or before 20.03.2025. We do so. It is made clear that any coercive action shall be subject to the outcome of the stay petition.

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7. This writ petition stands disposed of on the above terms.

Consequently, connected W.M.Ps. stand closed.

(M.S., J.) (K.G.T., J.)
06.03.2025

cad
Index : Yes/No
NC : Yes/No

Note to Office:

Though this writ petition is disposed of, list this writ petition on 28.03.2025 under the caption "FOR COMPLIANCE" as regards withdrawal of O.S. No.2 of 2025 on the file of the District Munsif Court, Palacode.



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M.SUNDAR, J.

and

K. GOVINDARAJAN THILAKAVADI, J.

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