



WEB COPY



W.P.No.13364 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2025

CORAM:

THE HONOURABLE MR. JUSTICE M.SUNDAR
and
THE HONOURABLE MR. JUSTICE HEMANT CHANDANGOUDAR

W.P.No.13364 of 2025

M. Ramasamy

Petitioner

vs.

1. The District Collector
Collectorate
Namakkal
Namakkal District
2. The Assistant Director of Village Panchayat
Collectorate
Namakkal
Namakkal District
3. The Revenue Divisional Officer
Tiruchengode Taluk
Namakkal District
4. The Tahsildar
Tiruchengode Taluk
Namakkal District
5. The Block Development Officer
(Village Panchayat-cum-Special Officer)
Konnaiyar Village
Elachipalayam
Tiruchengode Taluk
Namakkal District

6. S. Muthusamy

Respondents

Page Nos.1/10



W.P.No.13364 of 2025

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 3 to 5 to implement the order in Na.Ka.No.722/2023/AA dated 03.01.2025 and Na.Ka.No.01/2025 dated 29.01.2025 issued by the respondents 3 and 5 respectively to remove the encroachment.

For petitioner	Mr. P. Tamilavel
For RR 1 to 4	Mr. K. Suresh Government Advocate
For R5	Mr. T.K. Saravanan Addl. Govt. Pleader
For R6	Mr. R.T. Vishnu

ORDER

[made by M. SUNDAR, J.]

Mr. P. Tamilavel, learned counsel for writ petitioner, Mr. K.Suresh, learned Government Advocate for RR 1 to 4, Mr. T.K.Saravanan, learned Additional Government Pleader for R5 and Mr. R.T. Vishnu, learned counsel for R6 are before us.

2. Proceedings/orders made by this Court in the listings on 17.04.2025, 03.06.2025 and 05.06.2025 (order dated 05.06.2025 typed erroneously as 03.06.2025 again and hence, this order will be read as erratum/corrigendum in this regard) read as follows:



W.P.No.13364 of 2025

Order dated 17.04.2025:

WEB COPY

'W.P. No.13364 of 2025

M. SUNDAR, J.

and

K. GOVINDARAJAN THILAKAVADI, J.

(Order of the Court was made by M. SUNDAR, J.)

Captioned writ of mandamus is predicated on proceedings of R3 (Revenue Divisional Officer) dated 03.01.2025 bearing reference Na.Ka.No.722/2023/AA and a notice issued by R5 (Block Development Officer-Village Panchayat-cum-Special Officer {signed by R5 on 29.01.2025 and bearing reference Na.Ka.No.01/2025}.

2. Mr. P. Tamilavel, learned counsel on record for writ petitioner, advertng to the aforementioned proceedings, submits that a notice for removal of encroachment (said to have been made by R6) *qua* S.No.156/2A2 and 156/22B in Konnayyar Panchayat, Elachipalayam Sub Taluk, Ellachipalayam Taluk in Namakkal District (hereinafter 'said land' for the sake of convenience and clarity) has been issued by R5. Learned counsel for writ petitioner, advertng to this notice signed by R5 on 29.01.2025, submits that said land has been classified as 'Grama Salai' and a notice has been issued under Section 131(2) read with Section 222 of the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994). Post-notice inaction has necessitated the captioned writ petition is learned counsel's say.

3. For the present, issue notice to official respondents (RR 1 to 5).

4. Mr. T.K. Saravanan, learned Additional Government Pleader, accepts notice for RR 1 to 5 and submits, on instructions, that after receipt of aforesaid notice from R5 (signed by R5 on 29.01.2025), R6 has filed a suit in O.S. No.26 of 2025 on the file of the District Munsif Court, Thiruchengode.

5. This Court went into e-Court's website and it finds that the suit has been filed by R6 on 10.02.2025 after receipt of notice from R5 on 30.01.2025.



WEB COPY



W.P.No.13364 of 2025

6. This Court is of the view that it is necessary to peruse a copy of the plaint. To be noted, e-Court's website shows that local State counsel has entered appearance on behalf of defendants in the suit.

7. Learned State counsel requests for a short accommodation to produce a copy of the plaint.

8. Request acceded to.

9. List under the cause list caption 'NOTICE REGARDING ADMISSION' in the Admission Board *i.e.*, Motion List, on 21.04.2025 (Monday).

(M.S., J.) (K.G.T., J.)
17.04.2025'

Order dated 03.06.2025:

'W.P. No.13364 of 2025

M.SUNDAR,J.,
and
HEMANT CHANDANGOUDAR, J.,

(Order of the Court was made by M.SUNDAR, J.)

Read this in conjunction with and in continuation of earlier proceedings made in the listing on 17.04.2025, which reads as follows:

'W.P. No.13364 of 2025

M. SUNDAR, J.

and

K. GOVINDARAJAN THILAKAVADI, J.

(Order of the Court was made by M. SUNDAR, J.)

Captioned writ of mandamus is predicated on proceedings of R3 (Revenue Divisional Officer) dated 03.01.2025 bearing reference Na.Ka.No.722/2023/AA and a notice issued by R5 (Block Development Officer-Village Panchayat-cum-Special Officer {signed by R5 on 29.01.2025 and bearing reference Na.Ka.No.01/2025}.



WEB COPY



W.P.No.13364 of 2025

2. *Mr. P. Tamilavel, learned counsel on record for writ petitioner, advertng to the aforementioned proceedings, submits that a notice for removal of encroachment (said to have been made by R6) qua S.No.156/2A2 and 156/22B in Konnayyar Panchayat, Elachipalayam Sub Taluk, Ellachipalayam Taluk in Namakkal District (hereinafter 'said land' for the sake of convenience and clarity) has been issued by R5. Learned counsel for writ petitioner, advertng to this notice signed by R5 on 29.01.2025, submits that said land has been classified as 'Grama Salai' and a notice has been issued under Section 131(2) read with Section 222 of the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994). Post-notice inaction has necessitated the captioned writ petition is learned counsel's say.*

3. *For the present, issue notice to official respondents (RR 1 to 5).*

4. *Mr. T.K. Saravanan, learned Additional Government Pleader, accepts notice for RR 1 to 5 and submits, on instructions, that after receipt of aforesaid notice from R5 (signed by R5 on 29.01.2025), R6 has filed a suit in O.S. No.26 of 2025 on the file of the District Munsif Court, Thiruchengode.*

5. *This Court went into e-Court's website and it finds that the suit has been filed by R6 on 10.02.2025 after receipt of notice from R5 on 30.01.2025.*

6. *This Court is of the view that it is necessary to peruse a copy of the plaint. To be noted, e-Court's website shows that local State counsel has entered appearance on behalf of defendants in the suit.*

7. *Learned State counsel requests for a short accommodation to produce a copy of the plaint.*

8. *Request acceded to.*



WEB COPY



W.P.No.13364 of 2025

9. List under the cause list caption 'NOTICE REGARDING ADMISSION' in the Admission Board i.e., Motion List, on 21.04.2025 (Monday).

2. Today, Ms.Bhuvana K.M, learned counsel for writ petitioner and Mr.T.K.Saravanan, learned Additional Government Pleader for the respondents are before us.

3. Owing to the aforementioned earlier proceedings, learned State counsel has placed before us a photocopy of the plaint in O.S.No.26 of 2025 on the file of District Munsif Court, Tiruchengode.

4. This Court finds that the suit has been filed with prayers for declaration of title i.e., declaration that 29.01.2025 notice bearing reference e/f/vz;/01-2025 is null and void, injunction qua possession and the usual costs and residuary reliefs. The suit property is 'S.No.156/2A2 in Konnaiyar Village, Tiruchengode Taluk, Namakkal District' [hereinafter 'said land' for the sake of brevity].

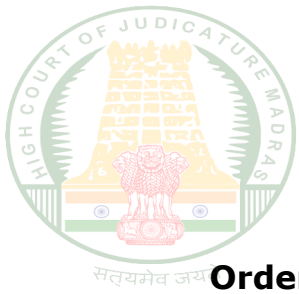
5. This Court *prima facie* finds that at least one limb of the prayer in the suit i.e., that limb which assails the notice dated 29.01.2025 issued by Special Officer of the local body may be hit by want of notice under Section 231 of 'Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994)' [hereinafter 'said Act' for the sake of convenience and clarity].

6. Faced with the above situation, learned counsel for writ petitioner requested for a short accommodation so as to enable her senior Mr.P.Tamilavel to address the Court. Request acceded to.

List day-after-tomorrow. List on 05.06.2025.

gpa

(M.S,J.) (H.C.,J.)
03.06.2025'



W.P.No.13364 of 2025

Order dated 05.06.2025:

WEB COPY

'W.P. No.13364 of 2025

M.SUNDAR,J.,
and
HEMANT CHANDANGOUDAR, J.,

(Order of the Court was made by M.SUNDAR.,J)

Read this in conjunction with and in continuation of earlier proceedings made in the previous listings.

2. This Court wanted to know if any interim order has been granted by Civil Court in O.S.No.26 of 2025 on the file of District Munsif Court, Tiruchengode. To be noted, it is seen from the official website that two interlocutory applications have been disposed of and one interlocutory application is pending.

3. Learned State counsel requested for a short accommodation to get instructions on the above point and revert to this Court.

4.List one week hence under the same cause list caption i.e., 'NOTICE REGARDING ADMISSION' in the Admission Board i.e., Motion List.

List on 12.06.2025.

gpa

(M.S,J.) (H.C.,J.)
05.06.2025'

3. The aforesaid proceedings are tell-tale *qua* the crux and gravamen of the matter and the trajectory the matter has taken thus far before this Court. Therefore, we are not setting out the same again but it will suffice to say that the aforesaid three proceedings/orders shall now be read as an integral part and parcel of this order.

Page Nos.7/10



W.P.No.13364 of 2025

WEB COPY

4. As regards want of notice *qua* Section 231 of the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994), learned counsel for R6 submits that notice has, in fact, been issued but we leave open this question to be decided by the Civil Court.

5. Be that as it may, what is of utmost significance is, this Court is informed without any disputation / contestation that writ petitioner before us has now filed a petition to implead himself as a party to the aforereferred suit by resorting to Order I Rule 10 CPC.

6. In the light of this development, we deem it appropriate to give closure to the captioned WP leaving open all the rights and contentions of writ petitioner, R6 as well as official respondents for being canvassed in the suit. Though obvious, we make it clear that the Civil Court shall consider the matter (trial) and interlocutory applications, if any, on their own merits and in accordance with law untrammelled by this order.



W.P.No.13364 of 2025

WEB COPY

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

(M.S., J.) (H.C., J.)
26.06.2025

cad
Index: Yes/No
N.C. : Yes/No



WEB COPY



W.P.No.13364 of 2025

M.SUNDAR, J.

and

HEMANT CHANDANGOUDAR, J.

cad

To

1. The District Collector
Collectorate
Namakkal
Namakkal District
2. The Assistant Director of Village Panchayat
Collectorate
Namakkal
Namakkal District
3. The Revenue Divisional Officer
Tiruchengode Taluk
Namakkal District
4. The Tahsildar
Tiruchengode Taluk
Namakkal District
5. The Block Development Officer
(Village Panchayat-cum-Special Officer)
Konnaiyar Village
Elachipalayam
Tiruchengode Taluk
Namakkal District

W.P.No.13364 of 2025

26.06.2025

Page Nos.10/10