



WEB COPY



W.P. No.10606 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR
and
THE HONOURABLE MRS. JUSTICE R. KALAIMATHI

W.P.No.10606 of 2025

N. Mathiarasu

Petitioner

vs.

1. The District Collector
Dharmapuri District
Dharmapuri 636 705
2. The District Revenue Officer
Dharmapuri 600 005
3. The Tahsildar
Nallampalli Taluk
Dharmapuri District
Dharmapuri 600 005
4. Thangammal
5. Gowri
6. The Revenue Divisional Officer
Dharmapuri District

Respondents

(R6 impleaded by Court today *suo motu*)

Writ Petition filed under Article 226 of the Constitution of India
seeking a writ of mandamus directing the third respondent to remove
the encroachment created by respondents 4 and 5 in the public

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pathway right of ingress and egress in the lands in S.Nos. 182/2, 182/4 and 182/6 in Nekkunthi Village, Nallampalli Taluk, Dharmapuri District by considering the representation dated 05.11.2024 in the light of the notice issued by the third respondent dated 06.09.2024 and 03.10.2024 on merits and in accordance with law.

For petitioner Mr. R. Dhanasekar

For RR 1,2, 3 Mr. T.K. Saravanan
and 6 Additional Government Pleader

ORDER

[made by M. SUNDAR, J.]

Captioned 'writ petition' (hereinafter 'WP' for the sake of brevity) has been filed with a mandamus prayer *i.e.*, a prayer seeking issue of a mandamus to RR 1 to 3 to remove alleged encroachments in 'S.Nos.82/2, 182/4 and 182/6 in Nekkunthi Village, Nallampalli Taluk, Dharmapuri District' (hereinafter 'said lands' for the sake of convenience and clarity).

2. Mr. R. Dhanasekar, learned counsel on record for writ petitioner, submits that the private respondents (RR 4 and 5) are alleged encroachers.

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3. It is further submitted by learned counsel for writ petitioner that repeated representations and reminders to RR 1 to 3 have been in vain and that has necessitated the filing of the captioned WP.

4. Issue notice to RR 1 to 3.

5. Mr. T.K. Saravanan, learned Additional Government Pleader, accepts notice for RR 1 to 3 and learned State counsel draws our attention to a notice dated 03.10.2024 bearing reference Na.Ka.2376/2024/1 issued by R3 (Tahsildar) which is said to have been issued to RR 4 & 5 (private respondents) and other persons who have been favoured with patta *qua* said lands. Learned State counsel submits that this is proceedings for cancellation of patta.

6. Captioned WP can be given a closure by making an order which does not touch upon the rights of RR 4 & 5 (private respondents). Therefore, we dispense with notice to them and take up the captioned WP in the Admission Board, *i.e.*, Motion List, with the

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consent of the learned State counsel and learned counsel for writ petitioner.

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7. We make it clear that all the rights and contentions of RR 4 and 5 and any other noticee *qua* aforementioned notice dated 03.10.2024 bearing reference Na.Ka.2376/2024/1 issued by R3 are preserved.

8. Learned State counsel submits that R3 has now sent a report to the jurisdictional Revenue Divisional Officer (RDO), *viz.*, Revenue Divisional Officer, Dharmapuri District. We *suo motu* implead Revenue Divisional Officer, Dharmapuri District as R6 and Mr.T.K.Saravanan, learned Additional Government Pleader, accepts notice for newly impleaded R6.

9. Learned State counsel submits that R6 shall now consider the report of R3 as well as the contentions of the noticees and take a decision regarding cancellation of patta *qua* said lands.



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10. We find that the writ petitioner has sent a representation dated 05.11.2024 to the District Collector, DRO and Tahsildar, viz., RR 1 to 3. This representation shall now be forwarded by R3 to R6 and R6 shall consider this representation also before taking a call on the cancellation of patta proceedings which is pending with R6.

11. The decision taken by R6 shall be communicated to writ petitioner, RR 4 and 5 and other persons to whom patta has been granted under due acknowledgment within five working days from the date on which order is made. It is made clear that all the rights and contentions of writ petitioner, R4, R5 and any other similarly placed person will stand preserved to assail the order of R6, if so advised and if so desired.

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

(M.S., J.) (R.K.M., J.)
28.03.2025

cad
Index : Yes/No
NC : Yes/No

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M.SUNDAR, J.
and
R. KALAIMATHI, J.
cad

To:

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Dharmapuri 636 705
2. The District Revenue Officer
Dharmapuri 600 005
3. The Tahsildar
Nallampalli Taluk
Dharmapuri District
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4. The Revenue Divisional Officer
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