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W.P.No.12708 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.SUNDAR
and

THE HONOURABLE MR. JUSTICE HEMANT CHANDANGOUDAR

W.P.No.12708 of 2022

Madhammal

Petitioner

vs.

1. The District Collector
Dharmapuri District
2. The District Revenue Officer
Dharmapuri District
Dharmapuri
3. The Revenue District Officer
Pennagaram Division
Dharmapuri
4. The Tahsildar
Pennagaram Taluk
Dharmapuri District
5. Muthammal
6. Sivaraj
7. Algappan
8. Appunu
9. Sampathi

Respondents



W.P.No.12708 of 2022

Writ Petition filed under Article 226 of the Constitution of India

praying to issue a writ of mandamus directing the respondents 1 to 4 to remove the encroachment in pathway survey no.298/1 of Ajjanahalli Village, Pennagaram Taluk, Dharmapuri, put up by respondents 5 to 9 by removing fence and restore the pathway based on the petitioner's representation dated 25.04.2022.

For petitioner Mr. M. Selvam

For RR 1 to 4 Mr. T.K. Saravanan
Additional Government Pleader

For RR 5 to 9 Mr. M.R. Jothimanian

ORDER

[made by M.SUNDAR, J.]

Read this in conjunction with and in continuation of earlier proceedings made in the previous listing on 29.04.2025 which reads as follows:

'W.P. No.12708 of 2022

M.SUNDAR,J.,
and

K.GOVINDARAJAN THILAKAVADI, J.

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

There is no representation for the writ petitioner either in physical Court or on VC (Video Conferencing) Platform (to be noted, this is a hybrid hearing, which is a regular/routine/daily feature in this Court).



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2. Mr.T.K.Saravanan, learned Additional Government Pleader for official respondents/R1 to R4 and Mr.M.R.Jothimanian, learned counsel for private respondents/R5 to R9 are before us. Learned State counsel and learned counsel for private respondents are ready.

3. As summer vacation is in the anvil, with the intention of giving opportunity to writ petitioner and learned counsel for writ petitioner, list this matter after summer vacation.

4. List twelve weeks hence. List on 22.07.2025.

(M.S.J.) (K.G.T.J.)
29.04.2025'

2. The position is no different today.

3. Mr. M. Selvam, learned counsel on record for writ petitioner, Mr. T.K. Saravanan, learned Additional Government Pleader for official respondents and Mr. M.R. Jothimanian, learned counsel for private respondents (RR 5 to 9) are before us.

4. Captioned 'writ petition' [hereinafter 'WP' for the sake of brevity] was taken up with the consent of the aforementioned learned counsel.



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5. Captioned WP has been filed with a Removal of Encroachment (RoE) prayer *qua* land comprised in 'Survey No.298/1 of Ajjanahalli Village, Pennagaram Taluk, Dharmapuri' [hereinafter 'said land' for the sake of convenience and clarity], which, according learned counsel for writ petitioner, is a pathway.

6. Learned counsel for private respondents (RR 5 to 9) submitted that the private respondents have nothing to do with the said land, however, said land is patta land and that patta stands in the name of one Prema and her sons. A scanned reproduction of photocopy of the patta placed before us by learned counsel for private respondents is as follows:


தமிழக அரசு
வருவாய்த் துறை

நில உரிமை விபரங்கள் : இ. எண் 10(1) பிரிவு
மாவட்டம் : தர்மபுரி வட்டம் : பென்னாகரம்
வருவாய் கிராமம் : 030 அஞ்ஜனஹள்ளி பட்டா எண் : 2

உரிமையாளர்கள் பெயர்

1. (லேட்)கமலேசன்	மனைவி	பிரேமா	
2. (லேட்)கமலேசன்	மகன்	விஷ்ணு	
3. (லேட்)கமலேசன்	மகன்	சசிசுமார்	
4. (லேட்)கமலேசன்	மகன்	கோகுல்	

புல எண்	உட்பிரிவு	புன்செய்	நன்செய்	மற்றவை	குறிப்புரைகள்
		பரப்பு	தீர்வை	பரப்பு	தீர்வை
		ஹெக்டர் - ஏர்	ரூ - பை	ஹெக்டர் - ஏர்	ரூ - பை
298	1	0 - 62.00	1.33	--	--
		0 - 62.00	1.33		

குறிப்பு 2 :



1. மேற்கண்ட தகவல் / சான்றிதழ் நகல் விவரங்கள் மின் பதிவேட்டிலிருந்து பெறப்பட்டவை. இவற்றை தாங்கள் <https://eservices.tn.gov.in> என்ற இணைய தளத்தில் 05/03/2020/02346/40095 என்ற குறிப்பு எண்ணை உள்ளிட்டு செய்து உறுதி செய்துகொள்ளவும்.
2. இத் தகவல்கள் 15-06-2022 அன்று 04:39:44 PM நேரத்தில் அச்சடிக்கப்பட்டது.
3. கைப்பேசி கேமராவின் 2D barcode படிப்பான் மூலம் படித்து 3G/GPRS வழி இணையதளத்தில் சரிபார்க்கவும்



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7. There is no disputation or contestation that said land is a private land and not public land. Therefore, it will suffice to record the common stated position of the parties to give a closure to the captioned WP. We do so.

8. Captioned WP stands disposed of as closed recording the common stated position of the learned counsel before us. There shall be no order as to costs.

(M.S., J.) (H.C., J.)
28.07.2025

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M.SUNDAR, J.

and

HEMANT CHANDANGOUDAR, J.

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To

1. The District Collector
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