



W.P.No.12671 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 09.04.2025

CORAM

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

and

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

W.P.No.12671 of 2025

&

W.M.P No.14273 of 2025

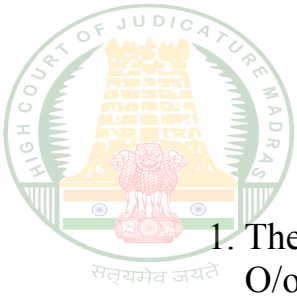
1. Mari
S/o.Vediyappan
2. Palani
S/o.Vediyappan
3. Perumal
S/o.Vediyappan
4. Chinnapaiyan
S/o.Vediyappan
5. Madhappan
S/o.Vediyappan
6. Arumugam
S/o.Krishnan
- 7.Sathiyavani
W/o.Chidambaram

... Petitioners

VS.

The State rep. by

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1. The District Collector
O/o.District Collector Office
Krishnagiri District

2. The District Revenue Officer
O/o.District Revenue Office
Krishnagiri District

3. The District Divisional Officer
Krishnagiri Division
Krishnagiri

4. The Tahsildar
Pochampalli Tahsildar Office
Krishnagiri District

5. The Block Development Officer
Bargur Block Development Office
Krishnagiri District

6. The Village Administrative Officer
Valasagoundanoor Village, Administrative Office
Pochampalli Taluk
Krishnagiri District

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus forbearing the respondents from taking coercive action by destroying the agricultural land at Survey No.S.F.No.335B/3 at Thimmnaickanpatty, Pochampalli Taluk, Krishnagiri District until the first respondent to pass appropriate orders after giving personal hearing to them on the Appeal No.3458/2025H3 dated 31.01.2025 along with interim application filed thereon under Section 10(a) and 10.B of Tamil Nadu Land Encroachment Act, 1905.

For Petitioner : Mr. T.Elumalai



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For Respondents : Mr.M.S.Arasakumar
Govt. Advocate for R1 to R4 & R6

Mr.T.K.Saravanan
Additional Govt. Pleader for R5

ORDER

[Order of the Court was made by **M.SUNDAR, J.,**]

This order has to be read in conjunction with and in continuation of earlier proceedings made in the previous listing on 08.04.2025, which reads as follows:

**'W.P.No.12671 of 2025
and
W.M.P. No.14273 of 2025**

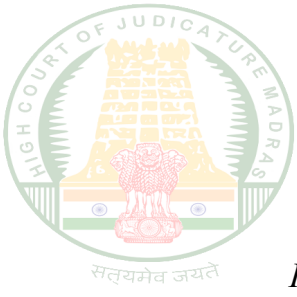
**M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,**

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

There is a statutory appeal under Section 10 of 'The Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity}. This appeal is dated 30.01.2025. There is a stay petition seeking stay of the impugned order (order dated 08.01.2025 bearing reference Na.Ka.No.09 made by R4). This stay petition is dated 03.02.2025. Considering the nature of the prayer, stay prayer appears to be one under Section 10-B of said 1905 Act. There is no acknowledgment either for the appeal or for the stay petition. Mr.T.Elumalai, learned counsel for writ petitioner submits that it was handed over in person in the office of R1.

2. Issue notice to respondents.

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3. *Mr.T.K.Saravanan, learned Additional Government Pleader accepts notice for respondents and requests for time to get instructions as to whether the appeal and stay petition were received in the office of R1.*

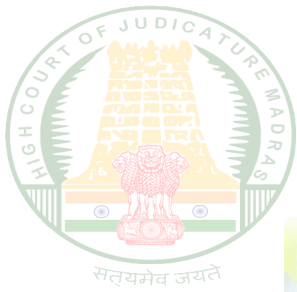
4. *List tomorrow in the Admission Board i.e., Motion List under the cause list caption 'ADJOURNED ADMISSION'.*

5. *List on 09.04.2025.'*

2. Today, Mr.T.Elumalai, learned counsel for writ petitioner, Mr.M.S.Arasakumar, learned Government Advocate for R1 to R4 and R6 and Mr.T.K.Saravanan, learned Additional Government Pleader for R5 are before us.

3. Learned State counsel adverted to the earlier proceedings dated 08.04.2025, submits that he has since obtained instructions and the instructions are to the effect that the appeal as well as the stay petition adverted to in our 08.04.2025 proceedings has been received in the office of R1.

4. For the sake of specificity, we deem it appropriate to reproduce this aforeferred appeal as well as the stay petition as placed before us and the same are as follows:



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W.P.No.12671 of 2025

**BEFORE THE APPELLATE AUTHORITY/DISTRICT COLLECTOR AT
KRISHNAGIRI DISTRICT
(U/s 10 of Tamil Nadu Land Encroachment Act 1905)
A.S.No.3458/2025H3 of 2025
Against
(Na.Ka.No: 90/2024/A3 dated 08.01.2025 on the
file of the Tahsildar Pochampalli)**

1. Arumugam,
S/o. Krishnan,
Koochanur Village,
Puliyampatti Post,
Pochampalli Taluk,
Krishnagiri District.
& Others.

...Appellant/Respondent

-Vs-

Tahsildar/ Original Authority,
Pochampalli,
Krishnagiri District.

...Respondent/Original
Authority

**APPEAL (U/S 10 OF TAMIL NADU LAND ENCROACHMENT
ACT 1905**

The Appellant above named begs to submit as follows:-

The Appellant is Arumugam, S/o. Krishnan, residing at Koochanur Village, Puliyampatti Post, Pochampalli Taluk, Krishnagiri District,

The address for services for all the notices and process on the Appellant is that his counsel M/s. **T.ELUMALAI, K.ANITHA, & S.SENTAMILSELVAM** Advocates, having office at No. 93/45, Room No.6, 3rd Floor, S.M. Plaza, Armenian Street, Chennai – 01.

The appellant prefers the above appeal as against order of the respondent Tahsildar in Na.Ka.No.09 dated 08.01.2025 on the following other grounds.

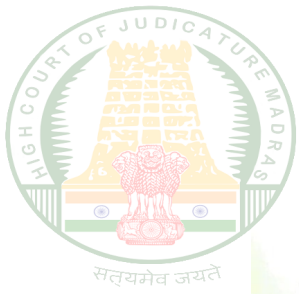


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1. That there is no notice under section 7 was issued to the appellants the Tahsildar directly passed an order under section 6 of the Tamil Nadu Land Encroachment 1905. The non issuances of section 7 notice nullifies the whole process thus the order is liable to be set-aside.
1. That the Tahsildar failed to see that the appellants is owner of the property in S.F.No.335/B it is evident from the document No.2546/1956 dated 24.09.1956 on the file of the Sub Register Kaveripattinam.
2. That the Tahsildar failed to see that the appellants as a family has been doing agricultural activity in their property for about 75 years.
3. That the Tahsildar failed to see that for S.F.No.335/B Patta No.723 was issued in the name of VEDIYAPPAN, Krishnan, sons of Perumal Goundar. The computer patta printed on 07.01.2025 proves the same.
4. That the Tahsildar failed to see that with regard to joint family property S.F.No.335B/3 the joint family members filed in appeal in Partition Suit and the same is pending before the Hon'ble Sub Judge at Uthangarai in I.A.No. 1/2024 in A.S. S.R.No. /2024. That is the title dispute raised by the party then the Tahsildar has to referred the matter to the competent Civil Court, the Tahsildar has no Jurisdiction to decide a title dispute.
5. That the Tahsildar failed to see that for properties owned by private party the Tamil Nadu Land Encroachment 1905 has no application as the act only applies to government lands in occupation of private parties.



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6. That the Tahsildar if at all require the land for public purposes he can very well acquire the land by paying compensation to the affected parties.

7. That the Tahsildar failed to see that the classification of the land “Nilaviyal Pathai” was not given notice to the knowledge of the appellants land the appellants left for their use mistakenly entrained as a “Nilaviyal Pathai”. Hence the self-serving statement of the Tahsildar classify the subjecting it under Tamil Nadu Land on Encroachment Act 1905 is misconceived.

8. That the government must product the property rights under Article 300 A of the Constitution of India of its subjects. The government land grabber using the instatement of law.

9. That the Tahsildar failed to see that the lands can very well land acquisition laws by paying compensation under the Right to Fair Compensation and Transparency in Land Acquisition Act, Rehabilitation and Resettlement Act, 2013.

10. That the Tahsildar is taking speedy action and restraining the appellants from using their own property and public are allowed inside private property to the appellants causing much treble to the appellant.

Hence it is therefore prayed that this Hon’ble appellant tribunal be pleased to stay the operation of the order of the Tahsildar Pochampalli dated 08.01.2025 in Na.Ka.No: 90/2024/A3 pending disposal of the above



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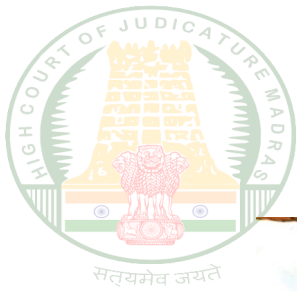
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appeal as per section 10(B) of the Tamil Nadu land Encroachment Act 1905
and pass such order and thus render Justice.

Hence it is therefore prayed that this Hon'ble Court be pleased to set-
aside the order of Tahsildar Pochampalli in Na.Ka.No:90/2024/A3 dated
08.01.2025 and pass such order and thus render Justice.

Dated at Krishnagiri on this the 30th day of January, 2025.

Counsel for Appellant



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**BEFORE THE APPELLATE AUTHORITY/ DISTRICT COLLECTOR AT
KRISHNAGIRI DISTRICT**

I.A.No. of 2025

In

A.S.No. 3458/2025H3 of 2025

**1. Arumugam,
S/o. Krishnan,**

**2. Palani,
S/o. Vedyappan,**

**3. Perumal,
S/o. Vedyappan,**

**4. Chinnapaiyan,
S/o. Vedyappan,**

**5. Madhappan,
S/o. Vedyappan,**

**6. Mari,
S/o. Vedyappan,**

**7. Sathiyavani,
W/o. Chidambaram,**

**All residing at
Koochanur Village,
Puliyampatti Post,
Pochampalli Taluk,
Krishnagiri District.**

...Appellant/Respondent

-Vs-

**Tahsildar/ Original Authority,
Pochampalli,
Krishnagiri District.**

**...Respondent/Original
Authority**

AFFIDAVIT OF ARUMUGAM

I, Arumugam, S/o. Krishnan, residing at Koochanur Village, Puliyampatti Post, Pochampalli Taluk, Krishnagiri District, do hereby solemnly affirm and sincerely state the following:-



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W.P.No.12671 of 2025

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I am the Appellant herein and the above appeal and as such I am well acquainted with facts and circumstances of the case.

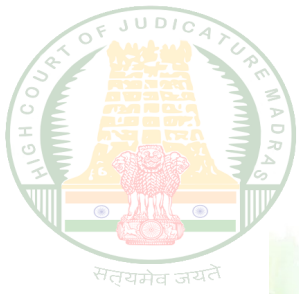
Supporting of my stay petition seeking to stay all further proceeding in Na.Ka.No:90/2024/A3 dated 08.01.2025.

1. I humbly submit that the I am a co-owner of the property in S.F.No.335B/3, as such my ancestors have been enjoying the property for time immemorial. My great grandmother has purchased the property in S.F.No.335/B among other properties in document No.2546/1956 dated 24.09.1956 from the date of the purchase our family has been joint possession of the property by doing agricultural activities.

2. I state that in view of the joint enjoyment patta no. 723 was issued in the name of VEDIYAPPAN, and Krishnan both sons of Perumal Goundar and Madhammal. After the death of VEDIYAPPAN on 28.11.1999 the appellants have been enjoying the property as the legal heirs of Madhammal.

3. I state that when that being the case, the Tahsildar Pochampalli suddenly and surprising the issued summon to the Survey the land on 06.01.2025 and within 2 days on 08.01.2025 an order of eviction was passed without considering our reply was are the owner of property and Tahsildar is depraving of our constitutional property rights.

4. I state that the Tahsildar has taking hasty action depriving use of our properties rights. Hence we have filed the above appeal the challenging the hasty order of the Tahsildar dated 08.01.2025.



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Hence it is therefore prayed that this Hon'ble appellant tribunal be pleased to stay the operation of the order of the Tahsildar Pochampalli dated 08.01.2025 in Na.Ka.No: 90/2024/A3 pending disposal of the above appeal as per section 10(B) of the Tamil Nadu land Encroachment Act 1905 and pass such order and thus render Justice.

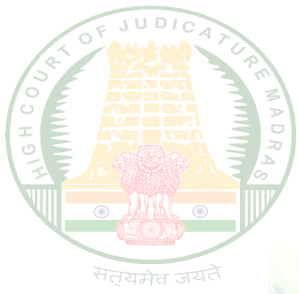
Solemnly affirmed at Krishnagiri

BEFORE ME

On this the 30th day of January 2025

And signed her name in my presence

ADVOCATE, KRSHNAGIRI



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**BEFORE THE APPELLATE AUTHORITY/
DISTRICT COLLECTOR
AT KRISHNAGIRI DISTRICT
I.A.No. of 2025**

In

A.S.No. 3458/2025H3 of 2025

**1. Arumugam,
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AFFIDAVIT OF APPELLANT

M/s.

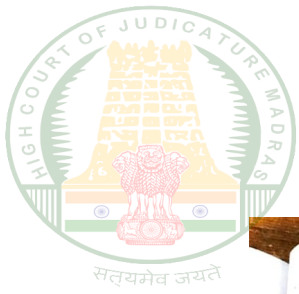
T.ELUMALAI, Ms.122/2013.

K.ANITHA, Ms.2296/2012.

S.SENTAMILSELVAM, Ms.1443/2018

COUNSEL FOR APPELLANT

CELL-90036 52622



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BEFORE THE APPELLATE AUTHORITY/ DISTRICT COLLECTOR AT

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W/o. Chidambaram,
All residing at
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...Respondent/Original
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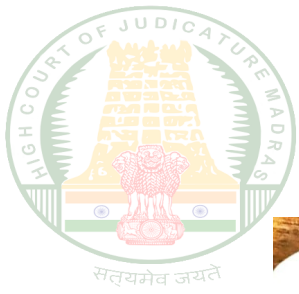
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STAY PETITION

For the reasons stated in the accompanying, it is therefore prayed that this Hon'ble appellate tribunal be pleased to stay the operation of the order of the Tahsildar Pochampalli dated 08.01.2025 in Na.Ka.No: 90/2024/A3 pending disposal of the above appeal as per section 10(B) of the Tamil Nadu land Encroachment Act 1905 and pass as such other orders and thus render justice.

Dated at Chennai on this the 03rd day of February, 2025

Counsel for Petitioner



W.P.No.12671 of 2025

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**BEFORE THE APPELLATE AUTHORITY/
DISTRICT COLLECTOR
AT KRISHNAGIRI DISTRICT
I.A.No. of 2025
In
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& Others.**

...Appellant/Respondent

-Vs-

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...Respondent/Original
Authority

STAY PETITION

M/s.

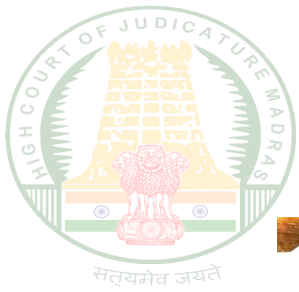
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S.SENTAMILSELVAM, Ms.1443/2018

COUNSEL FOR APPELLANT

CELL-90036 52622



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LAND ENCROACHMENT
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M/s.

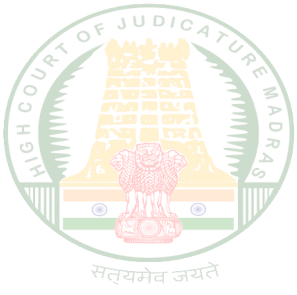
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COUNSEL FOR APPELLANT

CELL-90036 52622

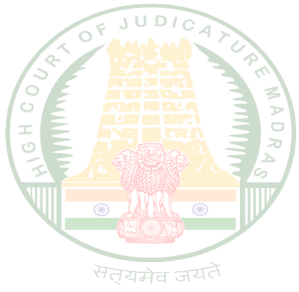


W.P.No.12671 of 2025

WEB COPY 5. Learned State counsel submits, on instructions, that R1 will dispose of the afore-referred stay petition as expeditiously as the business of R1 permits but in any event within three weeks from today i.e., on or before 30.04.2025. This submission of learned State counsel is recorded as an undertaking given to this Court.

6. The orders made by R1 in the stay petition shall be served on the writ petitioner under due acknowledgement within five working days from the date on which the order is made. It is made clear that coercive action (if any and if that be so) will be subject to and depending on the orders in the stay petition to be made by R1.

7. This Court deems it appropriate to write for the sake of specificity and clarity that no time frame has been fixed for the disposal of the main appeal by R1 as that would depend entirely on the other official business of R1. Learned counsel for writ petitioner fairly submits that the aforementioned recording of the stated position of the learned State counsel and observation regarding coercive action, if any and if that be so, douses the anxiety of the writ petitioner.



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Ergo, the sequitur is captioned writ petition is disposed of in the

aforesaid manner with the aforesaid directives and observations.

Consequently, aforementioned WMP thereat is disposed of as closed. There shall be no order as to costs.

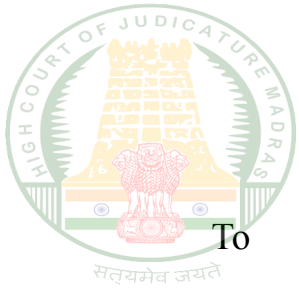
(M.S.,J.) (K.G.T.,J.)
09.04.2025

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

gpa



W.P.No.12671 of 2025

To

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

gpa

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09.04.2025

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