



W.P.No.12252 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 04.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No.12252 of 2025

A.K.Venkatesan

... Petitioner

Vs

1. The Collector,
District Collectorate,
Salem - 636 001.
2. The Revenue Divisional Officer,
Athur Division,
Salem - 636 102.
3. The Taluk Executive Magistrate & Tahsildar,
Sankari Taluk,
Salem District.
4. Marimuthu

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order vide proceedings in Na.Ka.807/2025/A1 dated 12.03.2025 passed by the 3rd respondent and quash the same and consequently direct the 1st and 3rd respondents to recover the said Government Poramboke Savadi land having an extent of 00.75.0 Sq.Mtr situate in Survey No.187/3 of the Aragulur Village, Thalaivasal Taluk, Salem from the 4th respondent in due process.



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For Petitioner : Mr.L.Ramanathan
For R1 to R3 : Mr.S.Balamurugan
Government Advocate

ORDER

The writ petition is filed challenging the order passed by the third respondent dated 12.03.2025 made in Na.Ka.807/2025/A1.

2. In view of the nature of the relief granted, without deciding the rights of the petitioner as well as the fourth respondent, this writ petition is disposed of at the admission stage.

3. The grievance of the petitioner is that the subject matter property is Government interested land and is classified as 'Savadi.' Even though public construction has been put up, the fourth respondent and persons related to the fourth respondent are keeping it in the lock and key.

4. When a representation was made, it was disposed of by the Tahsildar in the impugned order dated 12.03.2025. It can be seen that the Tahsildar is treating C.O.P. No. 52 of 2025 as a civil suit pending between the parties and disposing of the representation accordingly. C.O.P. stands for Caveat Original



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Petition. The filing of a caveat does not amount to the pendency of a civil suit.

Unfortunately, the Tahsildar has passed the order as if he is ignorant of the same.

5. It is contended that the land in question is Government land. Therefore, the question is that whether the land is Government land or whether there are any other claims of interest in the land. If so, the question arises as to whether the fourth respondent or any persons claiming a private interest can keep the premises under lock and key.

6. In view of the above, the petitioner shall make a representation to the second respondent, the Revenue Divisional Officer, as against the order of the third respondent impugned in the writ petition dated 12.03.2025. The second respondent shall issue notice to the petitioner, the fourth respondent and any other interested parties. The second respondent shall consider the nature of the land, whether it is Government land or land belonging to any other trust or private party. If it is Government land, the nature of the occupation by the private party shall be considered and appropriate orders shall be passed. The petitioner shall submit the representation, along with a copy of this order, to the second respondent within one week from the date of receipt of the web



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copy of the order, without waiting for the certified copy. The second respondent shall complete the exercise within 12 weeks thereafter.

7. In view thereof, this writ petition is disposed of. No costs.

04.04.2025

Neutral Citation: Yes/No
nsl



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D.BHARATHA CHAKRAVARTHY, J.

ns1

To

1. The Collector,
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2. The Revenue Divisional Officer,
Athur Division,
Salem - 636 102.
3. The Taluk Executive Magistrate & Tahsildar,
Sankari Taluk,
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