



W.P.No.16224 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 03.06.2025

CORAM

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

W.P.No.16224 of 2025
&
W.M.P No.18344 of 2025 in 16224 of 2025

K.Dhairya Lakshmi

... Petitioner

Vs.

1. The District Collector
Perambalur District
Perambalur
2. The Tahsildar
O/o.Kunnam Taluk Tahsildar
Perambalur District
3. The Block Development Officer
Veppur Panchayat Union
Kunnam Taluk
Perambalur District

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus forbearing the respondents from evicting the petitioner and demolishing the asbestos sheet home at No.6/155, Sirumathur Kudikadu, Kezipuliyur Post, Kunnam Taluk, Perambalur District.

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For Petitioner : Mr.D.Bharathy
For Respondents : Mr.T.K.Saravanan
Additional Government Pleader

ORDER

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

In the captioned 'Writ Petition' ['WP' for the sake of brevity], though the prayer is one for mandamus forbearing the respondents from evicting or demolishing the dwelling house of writ petitioner at No.6/155, Sirumathur Kudikadu, Kezipuliyur Post, Kunnam Taluk, Perambalur District, we find from the case file that the writ petitioner has been visited with a notice under Section 7 of 'the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity} and this notice is dated 24.03.2025.

2. Before proceeding further, we deem it appropriate to record that Mr.D.Bharathy, learned counsel for writ petitioner submitted that the writ petitioner had earlier filed W.P.No.20024 of 2014 with regard to the same property qua representation dated 24.01.2014 and the same came to be



W.P.No.16224 of 2025

disposed of by a Hon'ble single Judge vide an order dated 02.12.2021,

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W.P.No.20024 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 20024 of 2014

and

M.P.No.1 of 2014

K.Dhairyalakshmi

... Petitioner

Vs

1. The District Collector,
Perambalur District,
Perambalur.

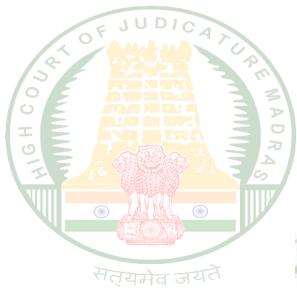
2. The District Revenue Officer,
O/o.District Revenue Officer,
Perambalur,
Perambalur District.

...Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the 1st respondent to dispose petitioner representation dated 24.01.2014 and further pass orders from not evicting the petitioner and demolishing the petitioner residential home thatched hut at 6/155, Sirumathur Kudikadu Village, Kezipuliyur Post, Kunnam Taluk, Perambalur District.

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<https://www.mhc.tn.gov.in/judis>



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W.P.No.16224 of 2025



W.P.No.20024 of 2014

For Petitioner :M/s.D.Bharathy
For Respondents :Mr.T.VenkateshKumar
Special Government Pleader
[For R1 and R2]
Mr.Baburangasamy
[For R3]

ORDER

The representation submitted by the writ petitioner on 24.01.2014 reveals that the petitioner is in possession of a land and the writ petition is filed, seeking a direction to consider the representation.

2. The learned counsel appearing on behalf of the 4th respondent brought to the notice of this Court that the subject property is a 'Government Poramboke Land' and the petitioner is an encroacher.

3. It is needless to state that encroachers are to be evicted by following the procedures as contemplated. Encroachers have no right to seek the relief to continue in the encroached property.

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W.P.No.16224 of 2025



W.P.No.20024 of 2018

WEB COPY 4. In view of the fact that there is an allegation of encroachment against the petitioner, the relief as such sought for cannot be granted. However, the respondents 1 and 2 are directed to verify the revenue records and if any encroachments are made in that locality, initiate all appropriate actions to evict the encroachers and utilize the Government property for the benefit of public at large.

5. With this direction, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

02.12.2021

Internet: Yes
Index : Yes
Speaking order: Yes
m/s/ak

To
1. The District Collector,
Perambalur District,
Perambalur.

2. The District Revenue Officer,
O/o District Revenue Officer,
Perambalur, Perambalur District.

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<https://www.mhc.tn.gov.in/judis>



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W.P.No.16224 of 2025



W.P.No.20024 of 2014

S.M.SUBRAMANIAM.J.

rsd/ksk

W.P.No.20024 of 2014

02.12.2021

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<https://www.mhc.tn.gov.in/judis>



W.P.No.16224 of 2025

3. The above was followed by another WP by the writ petitioner being

W.P.No.29545 of 2018 and the same was dismissed for default vide an order dated 28.06.2024 made by another Hon'ble single Judge and a scanned reproduction of the same is as follows:



W.P.No.29545 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 28.06.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.29545 of 2018

and

W.M.P.No.34508 of 2018

K.Dhairyalakshmi

...Petitioner

-Vs-

1.The District Collector,
Perambalur District,
Perambalur.

2.The Tahsildar,
O/o.Kunnam Taluk Tahsildar,
Perambalur District.

3.The Block Development Officer,
Veppur Panchayat Union,
Kunnam Taluk,
Perambalur District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, forbearing the respondents from evicting the petitioner and demolishing the asbestos sheet home at 6/155, Sirumathur Kudikadu Village, Kezipuliyur Post, Kunnam Taluk, Perambalur District, and pass such further orders.

For Petitioner : No appearance

<https://www.mhc.tn.gov.in/judis>
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For Respondents : Mr.K.Suresh
Government Advocate

W.P.No.16224 of 2025



W.P.No.29545 of 2018

ORDER

When the matter was taken up for hearing on earlier occasions on 12.11.2018, 08.10.2020, 07.01.2021, 21.06.2024 and 27.06.2024, there was no representation on behalf of the petitioner. Hence, the Registry was directed to list the matter under the caption "For Dismissal" on 28.06.2024.

2. Even today, 28.06.2024, when the matter taken up for hearing at 10.35 a.m., none appeared on behalf of the petitioner. It is made clear and evident that the petitioner is not interested in prosecuting the case.

3. Since there is no representation for the petitioner, this Court is left with no other option except to dismiss the petition for non-prosecution.

Accordingly, **the writ petition stands dismissed for Non-Prosecution.** No costs. Consequently, connected miscellaneous petition is closed.

28.06.2024

cda
Speaking / Non-Speaking Order

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W.P.No.16224 of 2025



To
WEB COPY

- 1.The District Collector,
Perambalur District,
Perambalur.
- 2.The Tahsildar,
O/o.Kunnam Taluk Tahsildar,
Perambalur District.
- 3.The Block Development Officer,
Veppur Panchayat Union,
Kunnam Taluk,
Perambalur District.



W.P.No.29545 of 2018



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W.P.No.16224 of 2025

J.SATHYA NARAYANA PRASAD, J.

cds

<https://www.mhc.tn.gov.in/judis>



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W.P.No.29545 of 2018

W.P.No.29545 of 2018

28.06.2024

4. Reverting to Section 7 of said 1905 Act notice, learned counsel for writ petitioner submits that writ petitioner has responded to the Section 7 notice vide a response dated 27.03.2025, no orders have been passed but the writ petitioner is under pain of dispossession / demolition and that has necessitated the captioned WP.

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5. Issue notice to respondents.

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6. Mr.T.K.Saravanan, learned Additional Government Pleader accepts notice for respondents and submits, on instructions, that 27.03.2025 response of the writ petitioner is under active consideration and R2 will now pass an order under Section 6 of said 1905 Act as expeditiously as the official business of R2 permits but in any event within a fortnight from today i.e., on or before 17.06.2025. Learned State counsel also fairly submits that coercive action, if any and if that be so, shall be subject to and depending on orders to be made by R2 under Section 6 of said 1905 Act. This amounts to stating the obvious. Nonetheless we record the stated position of learned State counsel.

7. Though obvious, we deem it appropriate to make it clear that the order under Section 6 shall be made by R2 on its own merits and in accordance with law untrammelled by instant proceedings.

8. Captioned WP disposed of in the aforesaid manner recording the stated position of the learned State counsel. In the light of the submission of learned State counsel, which has been captured supra, captioned WMP



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has become otiose and the same is disposed of as closed. There shall be no

WEB COPY order as to costs.

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

Index : Yes / No
Neutral Citation : Yes / No
gpa

To

1. The District Collector
Perambalur District
Perambalur
2. The Tahsildar
O/o.Kunnam Taluk Tahsildar
Perambalur District
3. The Block Development Officer
Veppur Panchayat Union
Kunnam Taluk
Perambalur District



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W.P.No.16224 of 2025

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

gpa

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03.06.2025

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