



WEB COPY



W.P.No.29055 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **T.VINOD KUMAR**

W.P.No.29055 of 2025
and
W.M.P. No.32592 of 2025 in W.P. No.29055 of 2025

A.Chokkan @ Chokalingam

.. Petitioner

Vs.

- 1.The District Collector,
Dharmapuri District at Dharmapuri.
- 2.The Superintendent of Police,
Dharmapuri District at Dharmapuri.
- 3.The Revenue Divisional Officer,
Harur Revenue Division, Harur,
Dharmapuri District.
- 4.The Tahsildar,
Harur Taluk, Dharmapuri District.
- 5.The Revenue Inspector,
Morappur, Harur Taluk,
Dharmapuri District.
- 6.The Firka Surveyor,
Harur Taluk, Dharmapuri District.

Page Nos.1/9



W.P.No.29055 of 2025

WEB COPY

7.The Inspector of Police,
Dharmapuri District at Dharmapuri.

8.Bharathi

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of declaration to declare the impugned notices of the fourth respondent in Na.Ka.No.2021/2024/A4 dated 24.02.2025 and Na.Ka.No.2021/2024/A4 dated 10.03.2025 and unauthorised eviction carried out by the respondents 3 to 7 in respect of petitioner's property comprised in S.Nos.6/3B2, 12/1A, 12/3B, Nadupatti Village, Harur Taluk, Dharmapuri District on 19.03.2025 and 20.03.2025 as illegal, null and void and violative of the order passed by this Court in W.P.No.28159 of 2024 dated 23.09.2024 and W.P.No.38591 of 2024 dated 02.01.2025 and the provisions of the Tamil Nadu Land Encroachment Act, 1905 and consequently direct the respondents to restore the possession of the property in petitioner's favour and pay compensation for the losses.



WEB COPY



W.P.No.29055 of 2025

For Petitioner : Mr.C.K.M.Appaji
For Respondents : Mr.T.K.Saravanan
Additional Government Pleader
for R1 and R3 to R6
Mr.S.Santhosh,
Govt. Advocate (Crl. Side)
for R2 and R7

ORDER

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

Subject matter of captioned main 'Writ Petition' (hereinafter 'WP' for the sake of brevity) is 'lands comprised in Survey Nos.6/3B2, 5/5B, 5/7C, 12/1A and 12/3A, Nadupatti Village, Harur Taluk, Dharmapuri District' (hereinafter 'said lands' for the sake of convenience and clarity).

2. Mr.C.K.M.Appaji, learned counsel for writ petitioner submits that writ petitioner was visited with notices under 'The Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity} and there are multiple proceedings earlier. However, learned counsel predicates his campaign against impugned orders on the point that impugned orders



W.P.No.29055 of 2025

refer to an order dated 08.10.2024 made under Section 6 of said 1905 Act but the same was never served on the writ petitioner. To be noted, by 'impugned orders', we refer to order dated 24.02.2025 bearing reference Na.Ka.No.2021/2024/A4 and order dated 10.03.2025 bearing reference Na.Ka.No.2021/2024/A4 both made by R4 (Tahsildar, Harur Taluk, Dharmapuri District).

3. Issue notice to official respondents.

4. Mr.T.K.Saravanan, learned Additional Government Pleader accepts notice for R1 and R3 to R6 and Mr.S.Santhosh, learned Government Advocate (Criminal Side) for R2 and R7.

5. Learned State counsel submits that after issuing Section 7 notice dated 23.09.2024 orders under Section 6 dated 08.10.2024 were made, writ petitioner refused to receive the same and therefore R4 had to resort to affixture. This is disputed by writ petitioner. In other words, writ petitioner submits that he did not refuse to receive the 08.10.2024 order under Section 6 of said 1905 Act. This is factual dispute. However, the captioned WP can be given a closure without embarking upon an adjudication as regards this factual dispute.

Page Nos.4/9



W.P.No.29055 of 2025

This is owing to learned State counsel serving soft copy of 08.10.2024 order under Section 6 of said 1905 Act on the learned counsel for writ petitioner today. Learned counsel for writ petitioner submits that the 08.10.2024 order being order under Section 6 of said 1905 Act is appealable order, writ petitioner intends to file statutory appeal (under Section 10 of said 1905 Act) and for this purpose, 05.08.2025 (today) should be the reckoning date. This is a very fair stand and we accept this stand. This is the reason why this Court has mentioned supra that captioned main WP can be given a closure without embarking upon an adjudication with regard to the issue as to whether 08.10.2024 order under Section 6 of said 1905 Act was refused to be received by the writ petitioner.

6. Be that as it may, R8 is private respondent and we are informed that R8 is an informant qua alleged encroachment. In this view of the matter, it will suffice to make it clear that rights and contentions of R8 shall not be impacted by this order and on the contrary, the same will stand preserved. Therefore, we dispense with notice to R8 and take up the main WP with the consent of learned counsel for writ petitioner and learned State counsel.



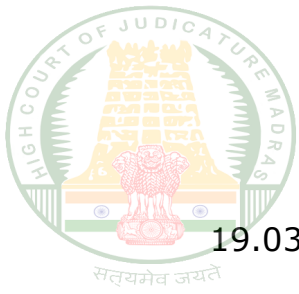
W.P.No.29055 of 2025

WEB COPY

7. As regards statutory appeal against 08.10.2024 order referred to supra, sub-section (1) of Section 11 of said 1905 Act provides for 30 days time to file statutory appeal. Therefore, writ petitioner will have 30 days time from today i.e., time upto 04.09.2025 to file statutory appeal. It is open to the writ petitioner to file statutory appeal along with stay petition under Section 10-B of said 1905 Act if so advised and so desired. To be noted, writ petitioner submits that alleged encroachment has already been removed but we leave open this question.

8. Coercive action (if any and if that be so) by State qua said lands can be only subject to orders in stay petition under Section 10-B of said 1905 Act to be filed on or before 04.09.2025. To be noted, R1 (District Collector, Dharmapuri) is the Appellate Authority.

9. If the writ petitioner does not file statutory appeal or does not file statutory appeal along with stay petition on or before 04.09.2025, it is open to the State to implement the impugned orders. To be noted, in and vide impugned orders, date and time for removal of encroachment has been fixed and the date and time fixed is



W.P.No.29055 of 2025

19.03.2025 10.00 a.m. If the scenario of coercive action unfurls, a fresh date and time shall be notified to the writ petitioner.

10. Captioned WP is disposed of as closed in the aforesaid manner *albeit* with aforementioned observations and preservation of rights. In the light of what we have written regarding coercive action, captioned Writ Miscellaneous Petition (WMP) thereat becomes otiose and the same is disposed of as closed. There shall be no order as to costs.

(M.S.,J.) (T.V.K.,J.)
05.08.2025

Index : Yes / No
Neutral Citation : Yes / No
mmi

To

- 1.The District Collector,
Dharmapuri District at Dharmapuri.
- 2.The Superintendent of Police,
Dharmapuri District at Dharmapuri.
- 3.The Revenue Divisional Officer,
Harur Revenue Division, Harur,
Dharmapuri District.

Page Nos.7/9



W.P.No.29055 of 2025

4.The Tahsildar,
Harur Taluk, Dharmapuri District.

5.The Revenue Inspector,
Morappur, Harur Taluk,
Dharmapuri District.

6.The Firka Surveyor,
Harur Taluk, Dharmapuri District.

7.The Inspector of Police,
Dharmapuri District at Dharmapuri.

WEB COPY



WEB COPY



W.P.No.29055 of 2025

**M.SUNDAR, J.,
and
T.VINOD KUMAR, J.,**

mmi

W.P.No.29055 of 2025

05.08.2025