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W.P. No.14676 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR
and
THE HONOURABLE MRS. JUSTICE K. GOVINDARAJAN THILAKAVADI

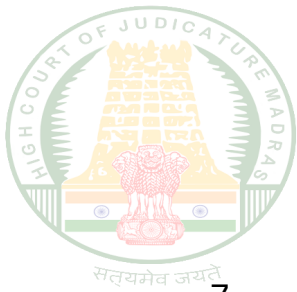
W.P.No.14676 of 2025

S.Vijayalakshmi

Petitioner

vs.

1. The State of Tamil Nadu
Rep. by Additional Chief Secretary
Revenue Department
Fort St. George, Chennai 600 009
2. The District Collector
Office of the District Collector
Ranipettai District
3. The Revenue Divisional Officer
Office of Revenue Divisional Officer
Ranipettai District
4. The Tashildar
Office of the Tahsildar
Kalavai Taluk
Ranipettai District
5. The Block Development Officer
Office of BDO, Timiri
6. The Assistant Engineer
Irrigation Section
Kalavai



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7. R. Mahalakshmi

8. N.T.Ravi

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 6 to remove the encroachment made by the 7th and 8th respondents in the Government poramboke land comprised in Survey No.279 admeasuring an extent of 0.71.0 hectares, in Chennasamudhiram Village, Kalavai Taluk, Ranipet District and the water body comprised in Survey No.283 admeasuring an extent of 0.82.5 in Chennasamudhiram Village, Kalavai Taluk, Ranipet District and maintain the Government poramboke land as public pathway and the water channel as water body as per Government revenue records.

For petitioner

Ms. A.V. Bharathi

For RR 1 to 4 & 6

Mr. M.S. Arasakumar
Govt. Advocate

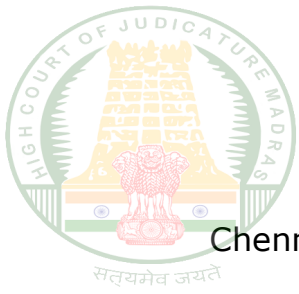
For R5

Mr. T.K. Saravanan
Addl. Govt. Pleader

ORDER

[made by M. SUNDAR, J.]

Subject matters of captioned 'writ petition' (hereinafter 'WP' for the sake of brevity) are Government poramboke land in Survey No.279 admeasuring an extent of 0.71.0 hectares or thereabouts in



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Chennasamudhram Village, Kalavai Taluk, Ranipet District and a water body comprised in Survey No.283 admeasuring an extent of 0.82.5 or thereabouts in the same village.

2. Ms. A.V. Bharathi, learned counsel on record for writ petitioner, advertng to the case file, submits that many a representation addressed by writ petitioner to authorities concerned have not borne fruition and that has necessitated the captioned WP.

3. Issue notice to official respondents viz., RR 1 to 6.

4. Mr. M.S. Arasakumar, learned Government Advocate, accepts notice for RR 1 to 4 and 6 and Mr. T.K. Saravanan, learned Additional Government Pleader, accepts notice for R5.

5. Learned State counsel for R5 submits, on instructions, that:

- i. survey *qua* aforereferred land and water body was completed way back on 26.07.2023;



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- ii. on survey, it came to light that land in S.No.279 is a பாட்டை பொறும்போக்கு, S.No.283 is a வெள்ளக் கால்வாய் and alleged encroachments have been made by Ravi (R8) and one other person by name Sasikumar; and
- iii. As regards S.No.279 and S.No.283, action will be initiated under 'the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' (for brevity 'said 1905 Act') and 'the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 (Tamil Nadu Act 8 of 2007)' (hereinafter 'Tanks Act' for the sake of brevity), respectively.

6. Though obvious, this Court makes it clear that initiation of proceedings against alleged encroachers under said 1905 Act and Tanks Act means that they should necessarily be show caused. This, in effect, means that the alleged encroachers will be given an opportunity to show cause *qua* scheme of said 1905 Act and **T.K. Shanmugam** principle [**T.K.Shanmugam Vs. State of Tamil Nadu**] reported in **2015 (5) LW 397**, respectively. Therefore, there is a safety valve put in *qua* RR 7, 8 and other alleged encroacher/s. Though obvious, for the sake of specificity, we also make it clear that all the rights and



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contentions of RR 7, 8 and/or alleged encroacher(s) will stand preserved to take all points available to them while responding to the show cause notice and the same shall be considered on their own merits and in accordance with law.

7. In this view of the matter, owing to safety valve, owing to preservation of rights of private respondents and/or alleged encroacher(s), this order does not touch upon the rights of private respondents (RR 7 and 8) and any other alleged encroacher/s. Therefore, there is no impediment in dispensing with notice to private respondents and the captioned WP being taken up in the Admission Board. We do so with the consent of the learned counsel on both sides.

8. Considering the facts and circumstances of the case, we are of the considered view that to give a closure to the captioned WP, it will suffice to record the stated position of the learned State counsel for R5 and add that the removal of encroachment proceedings shall be commenced within a period of four weeks from today *i.e.*, on or before 22.05.2025. We do so.



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9. Captioned WP stands disposed of in the aforesaid manner recording the stated position of the learned State counsel. There shall be no order as to costs.

(M.S., J.) (K.G.T., J.)
24.04.2025

cad
Index : Yes/No
NC : Yes/No



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