



WEB COPY

W.P. No.28509 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2025

CORAM:
THE HON'BLE MR. JUSTICE M. SUNDAR
AND
THE HON'BLE MR. JUSTICE T. VINOD KUMAR

W.P.No.28509 of 2025

Munilakshmi

Petitioner

vs.

1. The District Collector
Tirupattur District 635 601
2. The Revenue Divisional Officer
Tirupattur Taluk
Tirupattur
3. The Tahsildar
Tirupattur Taluk
Tirupattur
4. Murali

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus seeking direction to remove the encroachment in S.No.611/6 in Madapalli Village, Pudukottai Panchayat, Tirupattur Taluk, Tirupattur District made by the 4th respondent within a time frame.

For petitioner

Ms. L. Parvin Banu
for Mr. B. Abdul Samath

For RR 1 to 3

Mr. T.K. Saravanan
Additional Govt. Pleader

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**ORDER**

(made by M. SUNDAR, J.)

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Subject matter of captioned 'writ petition' [hereinafter 'WP' for the sake of brevity] is 'land comprised in Survey No.611/6 in Madappalli Village, Pudukkottai Panchayat, Tirupattur Taluk, Tiruppattur District' [hereinafter 'said land' for the sake of convenience and clarity].

2. Captioned WP has been filed with a 'Removal of Encroachment' (RoE) prayer and Ms. L. Parvin Banu, learned counsel representing Mr. B. Abdul Samath, learned counsel on record for writ petitioner, submits that fourth respondent (private respondent) is the alleged encroacher, proceedings under 'the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' [hereinafter 'said 1905 Act' for the sake of convenience and clarity] have already been commenced against fourth respondent and other alleged encroachers, the same have culminated in an order under Section 6, there is inaction on the part of official respondents. This inaction has necessitated the captioned WP with the mandamus prayer is learned counsel's say.

3. Issue notice to official respondents.

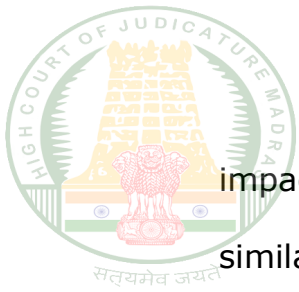


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4. Mr. T.K. Saravanan, learned Additional Government Pleader, accepts notice for respondents 1 to 3 and submits that proceedings under said 1905 Act as regards encroachment in said land has, in fact, been initiated, notices under Section 7 of said 1905 Act being notices dated 11.03.2024 have been issued to fourth respondent (private respondent) and 4 others, this was followed by orders under Section 6 dated 03.07.2024. To be noted, Section 7 notice and Section 6 order as regards fourth respondent have been enclosed in the typed set of papers filed by the writ petitioner.

5. Learned State counsel submits that fourth respondent and/or any other similarly placed persons have not filed any statutory appeal under Section 10 of said 1905 Act. It is also submitted that RoE is in the anvil and RoE will be commenced as expeditiously as the business of official respondents permits but in any event within eight weeks from today *i.e.*, on or before 01.10.2025. This submission of learned State counsel made on instructions is recorded as an undertaking given to this Court by official respondents.

6. In the light of the narrative thus far, we are of the considered view that a closure can be given to the captioned WP by preserving the rights and contentions of fourth respondent and other similarly placed persons. It is made clear that this order will not



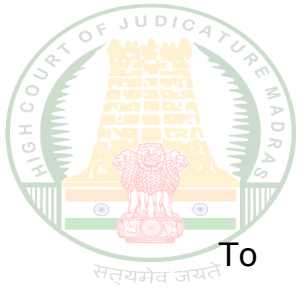
impact the rights and contentions of fourth respondent and other similarly placed persons in any manner. Rights either under said 1905 Act or any other law will stand preserved untrammelled by the instant order. In this view of the matter, we dispense with notice to fourth respondent and take up the captioned WP with the consent of learned counsel for writ petitioner and learned State counsel.

7. As already alluded to *supra*, recording the stated position of learned State counsel will suffice to give a closure to the captioned WP. We do so.

8. Captioned WP stands disposed of in the aforesaid manner. There shall be no order as to costs.

(M.S., J.) (T.V.K., J.)
06.08.2025

cad
Index : Yes/No
NC : Yes/No



To

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M. SUNDAR, J.

and

T. VINOD KUMAR, J.

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