



W.P. No.27484 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2025

WEB COPY

CORAM:
THE HONOURABLE MR. JUSTICE M.SUNDAR
and
THE HONOURABLE MR. JUSTICE HEMANT CHANDANGOUDAR

W.P. No.27484 of 2025

M. Meiyappan

Petitioner

vs.

1. The District Collector
Kallakurichi District
Kallakurichi
2. The Tahsildar
Chinna Salem Taluk
Kallakurichi District
3. The Taluk Surveyor
Chinna Salem Taluk
Kallakurichi District
4. Muthusamy

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 and 3 to remove the encroachment put up by the fourth respondent in Survey No.206/21 classified as cart track (vandi pathai) situated at Pakkampatti Village, Chinna Salem Taluk, Kallakurichi District, on the basis of the petitioner's representation dated 20.04.2025.

For petitioner
For RR 1 to 3

Mr. S. Venkatesh
Mr. T.K. Saravanan
Addl. Govt. Pleader
Notice dispensed with

For R4



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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.206/21 in Paakkampaadi Village, Chinna Salem Taluk, Kallakurichi District' [hereinafter 'said land' for the sake of convenience and clarity].

2. Mr. S. Venkatesh, learned counsel on record for writ petitioner, submits that said land is public land, proceedings under 'the Tamil Nadu Land Encroachment Act (Act III of 1905)' [hereinafter 'said 1905 Act' for the sake of brevity] were initiated against private respondent (R4) and others, who, according to writ petitioner, are alleged encroachers. Said 1905 Act proceedings culminated in an order under Section 6 of said 1905 Act dated 23.01.2025 (preceded by a Section 7 notice dated 28.11.2024) is learned counsel's further say.

3. Learned counsel submits that on 15.10.2024, when the Revenue officials embarked upon the exercise of Removal of Encroachment (RoE) exercise *qua* Section 6 order, private respondent (R4) and others resisted the exercise but undertook to remove



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themselves from said land on or before 12.02.2025 (30th day of Tamil month of Thai) after harvest but Removal of Encroachment has not been done and this has necessitated the captioned WP is learned counsel's say.

4. Issue notice to official respondents (RR 1 to 3).

5. Mr. T.K. Saravanan, learned Additional Government Pleader, accepts notice for official respondents and submits, on instructions, that post 25.01.2025, part of the encroachment has been removed on 19.02.2025 and the remaining encroachment also will be removed as expeditiously as the business of official respondents permits but in any event within eight weeks from today *i.e.*, on or before 22.09.2025.

6. We find that recording the stated position of the learned Stated counsel will suffice to give a closure to the captioned WP but for this purpose, we dispense with notice to private respondent (R4) and make it clear that all rights and contentions of private respondent (R4) and/or any other encroacher(s) *qua* said 1905 Act will stand



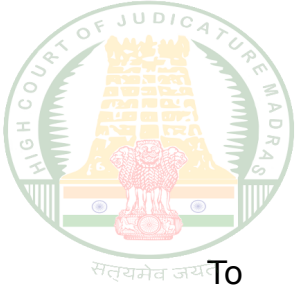
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preserved, if they choose to assail the Section 6 order in a manner known to law. In the light of said safety valve *qua* private respondent (R4) and other similarly placed person(s) who have been subjected to Removal of Encroachment proceedings under said 1905 Act, we take up the captioned WP with the consent of learned counsel for writ petitioner and learned State counsel in the Admission Board *i.e.*, Motion List, itself. Though obvious, we make it clear that if R4 and/or any other similarly placed person(s) assails/assail Section 6 order by way of appeal under Section 10, Removal of Encroachment, if at all and if that be so, will be subject to and depending on the appeal proceedings and in such an event, eight weeks timeline will stand effaced.

7. Captioned WP stands disposed of in the aforesaid manner *i.e.*, recording the stated position of learned State counsel as an undertaking given by RR 2 and 3 to this Court. There shall be no order as to costs.

(M.S., J.) (H.C., J.)
28.07.2025

cad
Index: Yes/No
N.C. : Yes/No



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- To
1. The District Collector
Kanchipuram District
Collectorate
Kanchipuram
 2. The Assistant Director (Village Panchayath)
Kanchipuram District
Kanchipuram
 3. The Block Development Officer (Village Panchayath)
Padappai Panchayat Union
Padappai
Kanchipuram District 601 301
 4. The President
Kolapakkam Panchayath Union
Kolapakkam
Kanchipuram District



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M.SUNDAR, J.

and

HEMANT CHANDANGOUDAR, J.

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