



W.P. No.25968 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2025

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

W.P. No.25968 of 2025

Ambedkar Natarajan

Petitioner

vs.

1. The District Collector
Thiruvallur District
Thiruvallur
2. The Revenue Divisional Officer
Ponneri
3. The Block Development Officer
Gummidipoondi
4. The Tahsildar
Gummidipoondi Taluk Office
Gummidipoondi
Thiruvallur District
5. The President
Keizhmudalambedu Village
Gummidipoondi Taluk
Gummidipoondi
Thiruvallur District
6. A. Mohanasundaram
7. M. Bhuvaneswari

Respondents



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Writ Petition filed under Article 226 of the Constitution of India

seeking a writ of mandamus directing the respondents 1 to 5 to remove the encroachment on the pond (kuttai, viz., Vallimedu Kulam) comprised in Survey No.375/8 measuring an extent of 0.22.5 hectare i.e., 0.55 cents situate at Keizhmudalambedu Village, Gummidipoondi Taluk, Thiruvallur District, made by respondents 6 and 7.

For petitioner Mr. S. Udhayakumar
for Mr. D. Gopinathan

For RR 1 2 & 4 Mr. T.K. Saravanan
Addl. Govt. Pleader

For RR 3 and 5 Mr. R. Neethiperumal
Government Advocate

ORDER

[made by M.SUNDAR, J.]

Captioned 'writ petition' [hereinafter 'WP' for the sake of brevity] has been filed with a Removal of Encroachment (RoE) prayer *qua* 'S.No.375/8 in No.79, Keezhmudhalambedu-II Panchayat, Gummidipoondi Panchayat Union, Thiruvallur District' [hereinafter 'said property' for the sake of convenience and clarity].

2. Learned counsel for writ petitioner contends that the said property is a pond.

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3. Repeated requests for RoE *qua* official respondents has not yielded results and that has necessitated the filing of the captioned WP is learned counsel's say.

4. Issue notice to official respondents.

5. Mr. T.K. Saravanan, learned Additional Government Pleader, accepts notice for RR 1,2 and 4 and Mr. R. Neethiperumal, learned Government Advocate, accepts notice for RR 3 and 5.

6. Mr. T.K. Saravanan, learned State counsel for RR 1,2 and 4 submits, on instructions that RoE action has already been initiated *qua* 'the Tamil Nadu Land Encroachment Act (Act III of 1905)' [hereinafter 'said 1905 Act' for the sake of convenience and clarity] by issuing a notice under Section 7 dated 02.07.2025 (To be noted, noticee is R6-Mohanasundaram, who is the spouse of R7-Bhuvaneshwari, who (RR 6 and 7) are alleged encroachers even according to writ petitioner) and R6 has also responded to the Section 7 notice and the same is under active consideration.

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7. Before we write the operative portion of this order, it is deemed appropriate to record the obtaining factual position that R7 has filed a suit in O.S.No.21 of 2022 on the file of the District Munsif-cum-Judicial Magistrate at Gummidipoondi [hereinafter 'said suit' for the sake of convenience and clarity] and said suit is pending. A copy of the plaint has been placed before this Court as part of the typed set of papers. This Court finds that said suit has been filed with bare injunction prayers and the suit property has been described in two schedules, viz., 'A' & 'B' schedules. This Court also finds that said property has been shown as 'B' schedule property.

8. Be that as it may, a suit for bare injunction in cases of this nature is obviously bare injunction *qua* dispossession dehors due process of law irrespective of whether the same is spelt out/articulated in the prayer or not. Furthermore, Section 14 of said 1905 Act is clearly a bar to assail notices under said 1905 Act and therefore, aforefererred notice under Section 7 referred to by the learned State counsel cannot be assailed in the suit. It is also noticed that the writ petitioner has filed an implead petition *vide* I.A.No.4 of 2024 in the



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said suit. Consideration/trial of the suit by the Trial Court will be subject to Section 14 of said 1905 Act. All other questions in the suit are left open.

9. Now that RoE proceedings have been commenced under said 1905 Act as against R6, let the same proceed on its own merits and in accordance with law. In this regard, we make it clear that all the rights and contentions of RR 6 and 7 (private respondents), writ petitioner and any other person concerned with the matter/said property are preserved when proceedings under said 1905 Act continue on their own merits and in accordance with law. In this view of the matter, we dispense with notice to RR 6 and 7 and take up the captioned WP in the Admission Board, *i.e.*, Motion List, with the consent of learned counsel for writ petitioner and learned State counsel for RR 1 to 5.

10. Though obvious, it is made clear that this order does not, in any manner, impact the rights of private respondents (RR 6 and 7) either in the suit, or in the proceedings under said 1905 Act, which, we are informed, has commenced.



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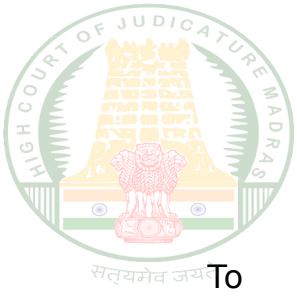
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11. In the light of the narrative thus far, this Court is of the considered view that it will suffice to record the stated position of the learned State counsel to give a closure to the captioned WP. We do so.

12. Captioned WP is disposed of as closed recording the stated position of the learned State counsel, albeit with preservation of rights as regards which there is allusion in paragraphs 9 and 10 *supra*. There shall be no order as to costs.

(M.S., J.) (H.C., J.)
17.07.2025

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



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M.SUNDAR, J.

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HEMANT CHANDANGOUDAR, J.

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