



W.P.No.22961 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.22961 of 2025

and

W.M.P. No.25793 of 2025 in W.P. No.22961 of 2025

Sowmya Ramanujam

... Petitioner

Vs.

- 1.The Government of Tamil Nadu
rep. By its Principal Secretary,
Revenue Department,
Fort St. George, Chennai – 600 009.
- 2.The Commissioner for Land Administration,
Government of Tamil Nadu,
Chepauk, Chennai – 600 005.
- 3.The District Collector,
First Floor, Collectorate,
Tiruvarur – 610 004.
- 4.The Revenue Divisional Officer,
Mannargudi Revenue Division,
Pakkupettai Street, Mannargudi,
Tiruvarur District – 614 001.
- 5.The Tahsildar,
Mannargudi Taluk,
Arasu E Sevai Centre, Taluk Office Road,
Mannargudi,
Tiruvarur District – 614 001.

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6.The Block Development Officer,
Kandamangalam Panchayat Union,
Mannargudi,
Tiruvarur District – 614 001.

7.The Village Administrative Officer,
Mazhavarayanallur,
Thanjavur Kodikkarai Road,
Tiruvarur District – 614 717.

8.The Tamil Nadu Electricity Generation and
Distribution Corporation Ltd. (TANGEDCO)
rep. By its Assistant Engineer (O & M),
No.73 C, Durgalaya Road,
Tiruvarur District – 610 001.

9.Inspector of Police,
Kottur Police Station,
Kottur, Mannargudi Taluk,
Tiruvarur District.

- 10.Praganathan
- 11.Ejamaan
- 12.Malarkodi
- 13.Ilayaraja
- 14.Gunasekaran
- 15.Raja
- 16.Ellaya Raja
- 17.Sakthivel
- 18.P.Palanivel

... Respondents

Writ Petition filed under Article 226 of The Constitution of India
praying to issue a Writ of Mandamus to direct the respondents 1 to 9
to take steps against the attempts of the private respondents 10 to 18
to get patta unlawfully and to remove the encroachment in the
petitioner's agricultural lands in Survey Nos.234/4A, 248/1, 248/2,
250/6, 252/1, 253/3, 322/2 measuring about 5 hectares and 46 ½



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ares and adjacent Ayyanar river which is classified as Kulam in revenue records, Kandamangalam Village, Mannargudi Taluk, Tiruvarur District.

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For Petitioner : Mr.P.M.Subramaniam,
Senior Counsel
for Mr.B.Ravi Raja
Ms.Sudharshana Sundar

For Respondents : Mr.T.K.Saravanan,
Additional Government Pleader
for R1 to R5 and R7
Mr.D.B.R.Prabhu,
Standing Counsel for R8
Mr.G.Velu,
Additional Government Pleader
for R6
Mr.S.Santhosh,
Government Advocate (Crl. Side)
for R9

ORDER

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

At the outset, we deem it appropriate to record the submission of Mr.P.M.Subramaniam, learned senior counsel appearing on behalf of Mr.B.Ravi Raja and Ms.Sudharshana Sundar, learned counsel on record for writ petitioner. Learned senior counsel, on instructions from the counsel on record, very fairly submitted that the prayer in the captioned WP is not happily worded. Learned senior counsel drew our attention to a representation dated 25.07.2024 and submitted as follows:

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(i) 'Survey Nos.234/4A, 248/1, 248/2, 250/6, 252/1, 253/3, 322/2 measuring about 5 hectares and 46 ½ ares, Kandamangalam Village, Mannargudi Taluk, Tiruvarur District' are petitioner's agricultural lands (hereinafter 'petitioner's private lands' for the sake of convenience and clarity);

(ii) 'Survey Nos.237 and 262' are Government lands, the same having been classified as 'temple land' and 'kulam' (tank) respectively (hereinafter 'said Government lands' for the sake of convenience and clarity);

(iii) Private respondents R10 to R18 and some others have encroached upon said Government lands and that is causing difficulty to writ petitioner qua petitioner's private lands;

(iv) In the affidavit there is a prayer regarding grant of patta qua Survey No.262 but this has not been reflected in the WP.

2. Learned senior counsel submitted on instructions that requests for removal of encroachment qua said Government lands have not yielded results and that has necessitated the captioned WP.

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3. Issue notice to official respondents.

4. Mr.T.K.Saravanan, learned Additional Government Pleader accepts notice for R1 to R5 and R7, Mr.D.B.R.Prabhu, learned Standing Counsel accepts notice for R8, Mr.G.Velu, learned Additional Government Pleader accepts notice for R6 and Mr.S.Santhosh, learned Government Advocate (Crl. Side) accepts notice for R9.

5. Learned State counsel submits on instructions that it is correct to say that Survey No.237 is classified as temple land and Survey No.262 is classified as kulam (tank) [water body] in the revenue records. It is submitted that survey of said Government lands is in the anvil.

6. Before we proceed further, we make it clear that as regards temple lands, there is a separate provision for removal of encroachment vide Section 78 of 'The Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 [Tamil Nadu Act 22 of 1959]' {hereinafter 'TNHR & CE Act' for the sake of brevity}. We deem it appropriate not to dilate more or elaborate further on this aspect of the matter considering the scope and remit of the matter at hand.



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7. In the light of the narrative thus far, the following order is made:

7.1 R5 with the aid of the jurisdictional surveyor under the supervision of R3 and R4 shall conduct a survey of said Government lands after putting on notice /in the presence of writ petitioner, private respondents R10 to R18. Learned State counsel submits that such survey shall be conducted within six weeks from today ie., on or before 06.08.2025 and this submission is recorded as an undertaking given to the Court;

7.2 Post survey in the aforesaid manner, a report shall be drawn up by R4 with the aid and assistance of R5 and jurisdictional surveyor;

7.3 In the aforesaid report, if any encroachments are found, action will be commenced under '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), TNHR & CE Act and/or any other applicable appropriate statute;

7.4 Commencement of action under applicable



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appropriate statutes necessarily means putting on notice and giving an opportunity to alleged encroachers be it R10 to R18 or any other noticeee who may be show caused. In this regard, all the rights and contentions of the private respondents/R10 to R18 and/or any other person who may be made a noticee and who may be show caused stand preserved without being impacted by this order. In this view of the matter, notice to private respondents is dispensed with and captioned WP has been taken up and heard out;

7.5 As regards grant of patta or any other proceedings in this regard qua Survey No.262 will obviously be subject to the outcome of the aforementioned drill and in this regard also rights and contentions of private respondents/R10 to R18 and other similarly placed persons stand preserved;

7.6 As regards encroachment in petitioner's private lands, all the rights and contentions of the writ petitioner stand preserved for working out the remedies in an



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appropriate civil Court, if so advised and so desired;

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7.7 If the writ petitioner resorts to approaching civil Court qua petitioner's private lands, the civil Court shall deal with the suit (obviously in exercise of powers under Section 9 of The Code of Civil Procedure, 1908 (Central Act V of 1908) on its own merits and in accordance with law untrammelled by this order.

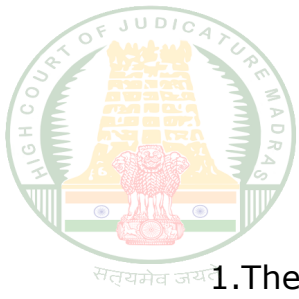
8. Captioned WP is disposed of in the aforesaid manner with the aforesaid observation, directives and recording of submissions. Consequently, captioned Writ Miscellaneous Petition (WMP) thereat stands disposed of as closed. There shall be no order as to costs.

(M.S.,J.) (H.C.,J.)
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Neutral Citation : Yes / No
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and
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