



W.P.No.22623 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 26.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.SUNDAR

and

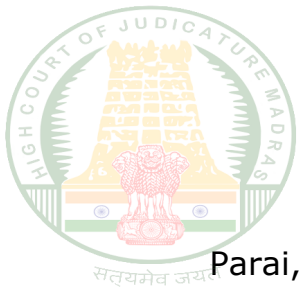
THE HONOURABLE MR. JUSTICE HEMANT CHANDANGOUDAR

W.P.No.22623 of 2025

- | | | |
|----|--|-------------|
| 1. | Selvam | |
| 2. | Kokila | Petitioners |
| | | vs. |
| 1. | The District Collector
Office of the District Collector
Tiruchengode Road
Namakkal District | |
| 2. | The Tahsildar
Office of the Tahsildar
Rasipuram
Namakkal District | |
| 3. | The Inspector of Survey
Survey Department
Rasipuram
Namakkal District | |
| 4. | Pulavar Sengodan @ Sengodan | Respondents |

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to remove the encroachment made by the fourth respondent in S.No.64/1 situate in Pattanam Village, Rasipuram Taluk, Namakkal District, classified as

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Parai, by invoking the Land Encroachment Act, 1905, by considering the petitioners' representation dated 04.01.2024 within a time frame.

For petitioners Mr. R. Vivek
For RR 1 to 3 Mr. T.K. Saravanan
Addl. Govt. Pleader

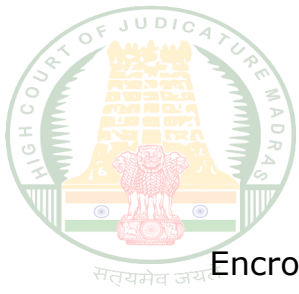
ORDER

[made by HEMANT CHANDANGOUDAR, J.]

The petitioners have approached this Court by way of the present writ petition seeking issuance of a writ of mandamus directing respondents 1 to 3 to consider and act upon their representation dated 04.01.2024, requesting removal of the alleged encroachment made by the fourth respondent in respect of land comprised in Survey No.64/1 situated in Pattanam Village, Rasipuram Taluk, Namakkal District.

2. The case of the petitioners is that the subject land is classified as "Paarai" (rocky terrain) in the Revenue Records, and despite their representation to the official respondents bringing to light the alleged encroachment by the fourth respondent, no action has been initiated by the authorities thus far.

3. Mr. T.K. Saravanan, learned Additional Government Pleader, appearing on behalf of respondents 1 to 3, on instructions, submitted that notices were issued under Section 7 of The Tamil Nadu Land



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Encroachment Act, 1905 (for brevity, "the Act") to six individuals, including the fourth respondent. It is further submitted that proceedings under the Act could not be pursued, owing to the pendency of O.S. No.151 of 2023 on the file of the District Munsif Court, Rasipuram. The said suit has been filed by the alleged encroachers, including the fourth respondent, seeking (i) a direction to the official respondents to remove the measuring stone erected on the subject land, and (ii) a decree of permanent injunction restraining the authorities from laying a road across the said land.

4. It is also brought to the notice of this Court that one of the alleged encroachers, namely Mr. Kamalakannan, had earlier approached this Court by filing W.P. No.13211 of 2025, seeking disposal of the appeal filed under the Act against the notice issued under Section 7. A Division Bench of this Court (of which one of us, M. Sundar, J., was a member), by order dated 16.04.2025, dismissed the writ petition as withdrawn with liberty to the petitioner therein to pursue remedies available under the Act before the appropriate authority.



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5. It is pertinent to refer to Section 14 of the Act, which provides a bar to the jurisdiction of Civil Courts. The said provision stipulates that notwithstanding anything contained in any law for the time being in force, no order passed or proceedings taken by any officer or authority or by the State Government under the Act shall be called in question in any Court by way of suit or application, and no injunction shall be granted by any Court in respect of any action taken or proposed to be taken in exercise of powers conferred under the Act.

6. In view of this express statutory bar, the pendency of O.S. No.151 of 2023 does not act as a legal impediment to the continuation of proceedings by the official respondents under the provisions of the Act, particularly when no interim injunction or order of restraint is in operation against them. Therefore, the second respondent, having already issued notices under Section 7 of the Act, is under a statutory obligation to proceed further under the provisions of the Act.

7. In light of the above discussion, this Court deems it appropriate to issue the following directions:

- (i) The second respondent shall proceed further in accordance with the provisions of The Tamil Nadu Land Encroachment Act,



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1905, by calling upon the fourth respondent and other alleged encroachers to respond to the notices issued under Section 7 of the Act within two weeks from today ie. on or before 10.07.2025 ;

(ii) In the event that the fourth respondent and other alleged encroachers submit their replies or representations in response to the notices, the second respondent shall consider the same and pass appropriate orders, in accordance with law, as contemplated under Section 6 of the Act;

(iii) It is needless to state that all rights and contentions of the fourth respondent and other alleged encroachers shall remain preserved and may be agitated in appropriate proceedings, if so advised;

(iv) It is clarified that the observations made in this order are limited solely for the purpose of adjudication of the present writ petition and shall not prejudice or affect the rights of the fourth respondent or any other person. Accordingly, notice to the fourth respondent is dispensed with;

(v) The entire exercise, as directed above, shall be completed by the second respondent within a period of eight (8) weeks



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from the date of this order, i.e., on or before 21.08.2025.

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7. The writ petition is accordingly disposed of with the above directions and observations. There shall be no order as to costs.

(M.S., J.) (H.C., J.)
26.06.2025

cad

Index: Yes/No

N.C. : Yes/No

To

1. The District Collector
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Tiruchengode Road
Namakkal District
2. The Tahsildar
Office of the Tahsildar
Rasipuram
Namakkal District
3. The Inspector of Survey
Survey Department
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Namakkal District

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M.SUNDAR, J.

and

HEMANT CHANDANGOUDAR, J.

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