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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

WP No. 29372 of 2025

Selvam
S/o.Kandasamy

... petitioner

Vs

1. The District Collector
Thiruvannamalai District
Thiruvannamalai.
2. The District Revenue Officer
Thiruvannamalai District
Thiruvannamalai.
3. The Revenue Divisional Officer
O/o. The Revenue Divisional Office
Thiruvannamalai District
Thiruvannamalai.
4. The Tahsildhar
Kilpennathur Thasildhar Office
Kilpennathur
Thiruvannamalai District.
5. Poongodi
W/o.Elumalai

... Respondents



Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus, directing the 3rd respondent to remove the encroachment from the Government Pattai Poromboke land in Old Survey No.77/3A, New Survey No.91/1, admeasuring to an extent of 0.48.00 ares, situated in Nadazhaganandal Village, Kilpennathur Taluk, Thiruvannamalai District by considering the petitioner's representation dated 20.06.2024 and 03.06.2025.

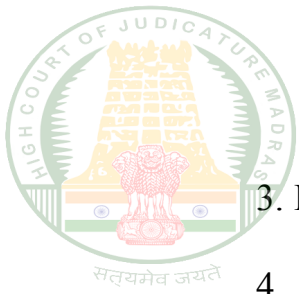
For Petitioner: Mr.A.Venkatesan
For Respondent(s): Mr.K.Suresh
Government Advocate
for R1 to R4

ORDER

(Order of the Court was made by M.Sundar J.)

Subject matter of captioned main 'Writ Petition' {hereinafter 'WP' for the sake of brevity, convenience and clarity} is alleged encroachment in 'Old Survey No.77/3A, New Survey No.91/1, admeasuring an extent of 0.48.00 ares, situate in Nadazhaganandal Village, Kilpennathur Taluk, Thiruvannamalai District' {'said land' for the sake of convenience and brevity}.

2. Request for removal of afore-referred alleged encroachment/s by way of representations dated 20.06.2024 and 03.06.2025 has not yielded results and that has necessitated captioned WP, is the submission of Mr.A.Venkatesan, learned counsel for writ petitioner.



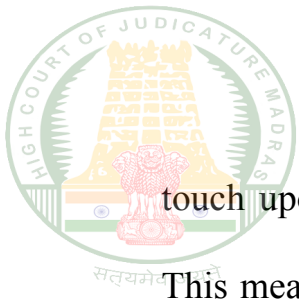
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3. Issue notice to official respondents i.e., respondents 1 to 4.

4. Mr.T.K.Saravanan, learned Additional Government Pleader submits that survey of the said land will be done within a period of eight weeks from today i.e., on or before 01.10.2025 and depending on the survey outcome, action for RoE (if found) will be initiated *vide* 'the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity} as expeditiously as the business of official respondents would permit but in any event within a period of eight weeks therefrom, *i.e.*, on or before 26.11.2025. This submission is recorded.

5. If there are encroachments, action against private respondent and/or other encroachers necessarily means that the private respondent and / or other encroachers would be show-caused. This Court makes it clear that all rights and contentions of private respondent and / or other encroachers are preserved if they are show-caused. Therefore, this Court does not touch upon the rights of private respondent.

6. The above means that alleged encroacher/s / private respondent will be put on notice/show caused, given an opportunity and action will be subject to and depending on cause shown / response of noticee/s. Therefore, captioned WP is taken up with the consent of learned counsel for writ petitioner and learned State counsel. Though obvious, it is made clear that this order does not



touch upon the rights of private respondent / noticee/s under said 1905 Act.

This means that all the rights and contentions of private respondent / noticee/s stand preserved for responding suitably when show caused / visited with notices. Though obvious, for the sake of specificity, it is clarified that this Court, in instant order, has not expressed any view or opinion one way or the other regarding alleged encroachment *qua* said land.

7. In the light of the narrative thus far, captioned WP is disposed of in the aforesaid manner, recording the stated position of learned State counsel. There shall be no order as to costs.

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

06.08.2025

mk

speaking / Non-speaking order

Neutral Citation : Yes / No

Index : Yes / No

1. The District Collector
District Collector Office
Villupuram District.
2. The Inspector of Police
Taluk Police Station
Villupuram District.
3. The Municipal Commissioner
Villupuram District.
4. The Revenue Divisional Officer
Villupuram District.
5. The Tahsildar
Villupuram District.



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M.SUNDAR, J.

AND

T.VINOD KUMAR, J.

mk

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