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W.P.No.25021 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.25021 of 2025
and
W.M.P. No.28195 of 2025 in W.P. No.25021 of 2025

A.Govindarasu

... Petitioner

Vs.

1.The District Collector,
Collectorate,
Dharmapuri District – 636 705.

2.The Thasildar,
Office of the Thasildar,
Pappireddipatti, Dharmapuri District.

3.A.Ashwini

... Respondents

Writ Petition filed under Article 226 of The Constitution of India
praying to issue a Writ of Certiorarified Mandamus to call for the
records relating to the impugned order in Na.Ka.No.2064/2024/B2
dated 30.05.2025 on the file of the second respondent and quash the
same and consequently direct the second respondent to issue patta in
favour of petitioner's brother namely Mr.Anbalagan by virtue of

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Revenue Board Standing Orders 15(24) for Survey No.95/2 to an extent of 1 acre 76 cents situate in A Pallipatti Revenue Village, Pappireddipatti Taluk, Dharmapuri District as per the direction of the first respondent which is in possession of petitioner's family for the past 25 years and dispose of the same within a time frame that may be fixed by this Court.

For Petitioner : Mr.S.Arokia Mani Raj

For Respondents : Mr.T.K.Saravanan,
Additional Government Pleader
for R1 and R2

ORDER

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

Captioned main 'Writ Petition' (hereinafter 'WP' for the sake of brevity) has been filed with a prayer for issue of writ of certiorarified mandamus.

2. As regards certiorari limb, a 'notice dated 30.05.2025 bearing reference Na.Ka.No.2064/2024/B2 issued by R2 (Tahsildar, Pappireddipatti, Dharmapuri District)' has been assailed and the same shall hereinafter be referred to as 'impugned notice' for the sake of brevity, convenience and clarity.

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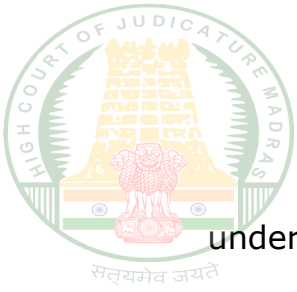
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3. In and vide mandamus limb, writ petitioner has sought to mandamus R2 to issue patta in favour of writ petitioner's brother viz., Mr.Anbalagan.

4. Mr.S.Arokia Mani Raj, learned counsel for writ petitioner submits that subject matter of impugned notice is 'Survey Nos.95/2 and 97/4 both in A.Pallipatti Village, Pappireddipatti Taluk, Dharmapuri District' (hereinafter 'said land' for the sake of convenience and clarity). 'Survey No.95/2' will be referred to as 'I said land' and 'Survey No.97/4' shall be referred to as 'II said land'.

5. Learned counsel for writ petitioner submits that he is not concerned of II said land. This submission is recorded.

6. Learned counsel for writ petitioner submits that as regards I said land, writ petitioner was visited with a notice dated 31.01.2025 issued by jurisdictional Revenue Inspector being a notice under Section 7 of 'The Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity} and the writ petitioner promptly sent a reply dated 07.04.2025 but no orders



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under Section 6 of said 1905 Act were made but the writ petitioner has been put under pain of dispossession vide the impugned notice of R2.

7. Issue notice to official respondents.

8. Mr.T.K.Saravanan, learned Additional Government Pleader accepts notice for R1 and R2 and submits that in the writ petitioner's response to Section 7 notice, the writ petitioner has categorically admitted that I said land is Government poramboke land and the writ petitioner has only sought patta.

9. As regards private respondent/R3, we are informed that the private respondent had triggered complaints of encroachment. In this view of the matter, we deem it appropriate to make an order which will not impact the rights of R3, on the contrary, all the rights and contentions of R3 will stand preserved.

10. Before we proceed further in the light of the above, with the consent of learned counsel for writ petitioner and learned State counsel, captioned WP is taken up in the Admission Board.



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11. As rightly pointed out by the learned State counsel, in the writ petitioner's response to Section 7 notice being response dated 07.04.2025, the writ petitioner has categorically admitted that I said land is Government poramboke land admeasuring 1 acre 76 cents, however, the writ petitioner has sought issue of patta.

12. Learned State counsel submits that considering the writ petitioner's response to Section 7 notice, Section 6 order has since been made by R2 and the same is dated 25.03.2025 but learned counsel for writ petitioner submits that Section 6 order was never served on the writ petitioner. Be that as it may, without entering into this disputation, a copy of Section 6 order has now been furnished to the learned counsel for the writ petitioner and by consent, it is treated as service of Section 6 order on the writ petitioner. This means, the writ petitioner will have 30 days time from today i.e., 09.08.2025 to file a statutory appeal under Section 10 of said 1905 Act (appeal will lie to R1), if so advised and if so desired. Along with the appeal, it is open to the writ petitioner to make his request for issue of patta qua I said land.



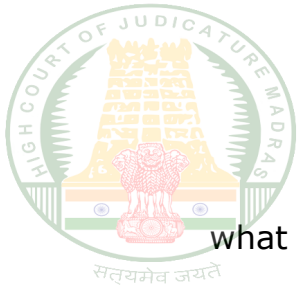
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13. Coercive action (if any and if that be so) pursuant to impugned notice will be subject to and depending on the outcome of stay petition under Section 10B of said 1905 Act, which can be filed along with aforesaid statutory appeal under Section 10 of said 1905 Act.

14. As regards I said land, we leave open all questions as we are informed by the learned State counsel that alleged encroacher is one Mr.Govindan, S/o.Mr.Duraisamy who is noticee No.7 in the impugned notice. Therefore, for the sake of abundant clarity and specificity, we make it clear that instant order is restricted to I said land i.e., Survey No.95/2.

15. If the writ petitioner does not file statutory appeal under Section 10 of said 1905 Act along with stay petition under Section 10-B within 30 days from today i.e., on or before 09.08.2025, it will be open to the State to implement the impugned notice insofar as I said land is concerned.

16. Captioned WP is disposed of in the aforesaid manner albeit with preservation of rights and observations as above. In the light of



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what we have written about coercive action, anxiety of the writ petitioner qua captioned Writ Miscellaneous Petition (WMP) stands doused and therefore, the same stands disposed of as closed. There shall be no order as to costs.

(M.S.,J.)

(H.C.J.)

10.07.2025

Index : Yes / No
Neutral Citation : Yes / No
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To

- 1.The District Collector,
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- 2.The Thasildar,
Office of the Thasildar,
Pappireddipatti, Dharmapuri District.



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HEMANT CHANDANGOUDAR, J.,**

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