



W.P.No.24350 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 04.07.2025

CORAM

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

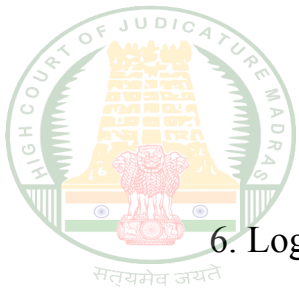
W.P.No.24350 of 2025
& W.M.P.Nos.27405 and 27406 of 2025

1. Ramki
2. Thoppalan ... Petitioners

vs.

1. The District Collector
Kallakurichi
Kallakurichi District
2. The Revenue Divisional Officer
Kallakurichi
Kallakurichi District
3. The Tahsildar
Taluk Office
Chinnasalam
Kallakurichi District
4. The Inspector of Police
Keezhakuppam Police Station
Kallakurichi District – 606 201
5. E.Kolanchi

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W.P.No.24350 of 2025

6. Logambal

... Respondents

WEB COPY Writ Petition filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus calling for the records relating to the impugned notice dated 23.06.2025 issued by the 3rd respondent in Na.Ka.A4/3645/2024, quash the same and consequently forbear the respondents 3 and 4 from disturbing the petitioners' peaceful possession and enjoyment of the property in respect of Survey No.186/2E in V.Mamandur Village, Chinnasalam Taluk, Kallakurichi District.

For petitioner : Mr. R.Bharath Kumar

For Respondents : Mr. T.K.Saravanan
Additional Government Pleader
for R1 to R3

Mr.J.Subbiah
Govt. Advocate (Crl.side) for R4

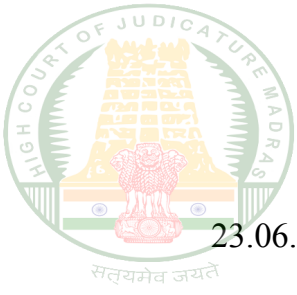
ORDER

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

Subject matter of captioned main 'Writ Petition' ['WP' for the sake of brevity] is 'land comprised in S.No.186/2E in V.Mamandur Village, Chinnasalem Taluk, Kallakurichi District' [hereinafter 'said land' for the sake of convenience].

2. Prayer in the captioned main WP is for issue of a writ of certiorarified mandamus. As regards the certiorari limb, a communication / letter dated

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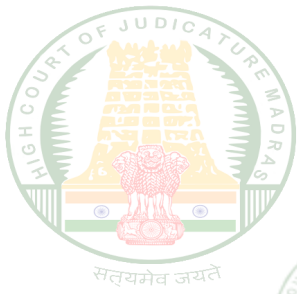
23.06.2025 bearing reference ந.க.அ4/3645/2024 sent by R3 [The Tahsildar, Taluk

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Office, Chinnasalem, Kallakurichi District] to the jurisdictional Sub-Inspector of Police (Sub-Inspector of Police, Keezhakuppam Police Station), which shall hereinafter be referred to as 'impugned letter' has been assailed. In and vide the mandamus limb, a prayer to protect petitioners' purported peaceful possession and enjoyment of said lands has been sought by seeking prohibitory mandamus as against the official respondents restraining them from interfering with petitioners' purported peaceful possession and enjoyment of said land.

3. Impugned letter of R3 says that 27.06.2025 at 10.00am has been fixed as the date and time qua request for removal of encroachment in said land and the impugned letter refers to request for removal of encroachment in 'பாதை' (track).

4. Learned counsel for writ petitioners submits that R5 had earlier filed a writ petition in this Court being W.P.No.37548 of 2024 with a prayer for removal of encroachment qua said land, which according to R5, is a public road and this W.P.No.37548 of 2024 along with WMP thereat came to be disposed of by a Division Bench [to which one of us (M.Sundar.J.) was a party] by an order dated 09.01.2025 and a scanned reproduction of the order is as follows:



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W.P.No.24350 of 2025



W.P.No.37548 of 2024 and W.M.P. No.40590 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2025

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR

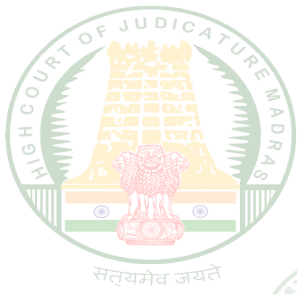
W.P.No.37548 of 2024 and W.M.P. No.40590 of 2024

E. Kolanji Vs. Petitioner

1. State of Tamil Nadu
represented by the Secretary to Government
Revenue Department
Secretariat
Fort St.George
Chennai 600 009
2. The District Collector
Kallakurichi
Kallakurichi District
3. The Revenue Divisional Officer
Kallakurichi
Kallakurichi District
4. The Tahsildar
Taluk Office
Chinna Salem
Kallakurichi District
5. The Inspector of Police
Chinna Salem Police Station
Chinna Salem
Kallakurichi District 606 201
6. Logambal

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<https://www.mhc.tn.gov.in/judis>



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W.P.No.24350 of 2025



W.P.No.37548 of 2024 and W.M.P. No.40590 of 2024

7. Ramki
8. Sathish Kumar
9. Thoppalan

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 4 to remove the encroachment on the public road by the respondents 7 to 9 comprised in S.No.186/2E situate in Mamanthur Village, Chinna Salem Taluk, Kallakurichi District.

For petitioner	Mr. S.A. Secular
For RR 1 to 4	Mr. T.K. Saravanan Government Advocate
For R5	Mr. M. Babu Muthu Meeran Addl. Public Prosecutor

ORDER

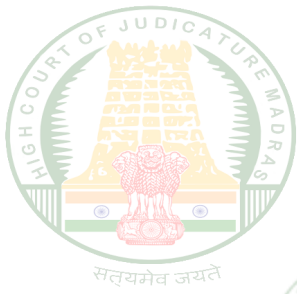
[made by M.SUNDAR, J.]

Captioned main 'writ petition' (hereinafter 'WP' for the sake of brevity) has been filed with a mandamus prayer qua RR 1 to 4 seeking removal of alleged encroachments in 'Survey No.186/2E in Mamanthur Village, Chinna Salem Taluk, Kallakurichi District' (hereinafter 'said land' for the sake of convenience and clarity).

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W.P.No.37548 of 2024 and W.M.P. No.40590 of 2024



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2. Mr. S.A. Secular, learned counsel for writ petitioner submits that said land is a public road.

3. Issue notice to official respondents.

4. Mr. T.K. Saravanan, learned Government Advocate, accepts notice for RR 1 to 4. Mr. M. Babu Muthu Meeran, learned Additional Public Prosecutor, accepts notice for R5.

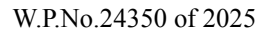
5. Mr. T.K. Saravanan, learned State counsel, submits that patta has been issued as regards said land in favour of one Arumugam (son of R9) and another Arumugam (son of Periyasamy) to an extent of 0-5.15 hectares, in other words, 5.15 ares.

6. Owing to the limited scope of the captioned main WP, the same is taken up in the Admission Board with the consent of learned counsel on both sides preserving all the rights and contentions of private respondents (RR 7 to 9) as well as R6 who is said to be similarly placed *qua* writ petitioner.

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<https://www.mhc.tn.gov.in/judis>

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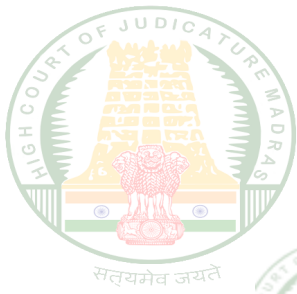
7. Before we proceed further, we deem it appropriate to scan and reproduce the patta placed before us by the learned State counsel. We do so and scanned reproduction is as follows:

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<https://www.mhc.tn.gov.in/judis>

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W.P.No.24350 of 2025



W.P.No.37548 of 2024 and W.M.P. No.40590 of 2024

8. Learned counsel for writ petitioner submits that the above may not be the entire extent of said land.

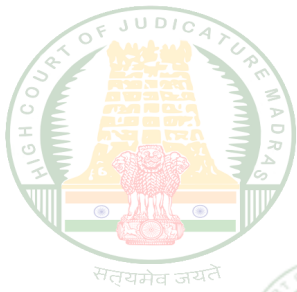
9. In response to the above submission of learned counsel for writ petitioner, learned State counsel submitted that R4 (Tahsildar) will survey the entire extent of S.No.186/2E and if there is any public road and/or encroachment in the same, suitable action under appropriate statute will be taken. This submission of learned State counsel is recorded.

10. We deem it appropriate to dispose of the captioned main WP recording the stated position of the learned State counsel and writing that R4 will do well to complete the aforementioned exercise as expeditiously as possible but in any event, within a period of eight weeks from today *i.e.*, by 06.03.2025. If there is any public road in said land and if any encroachment in public road is found, though obvious, we make it clear that alleged encroachers shall be show caused/put on notice before any action under appropriate statute is taken. This safeguards the interest of private respondents (RR 7 to 9)

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W.P.No.37548 of 2024 and W.M.P. No.40590 of 2024



{to be noted, rights of R6 who is said to be similarly placed qua writ petitioner have also been preserved vide paragraph 6, *supra*} and therefore, there is no impediment in disposal of the captioned main WP in the Admission Board itself.

11. Captioned main WP is disposed of in the aforesaid manner. *i.e., inter alia* recording the stated position of learned State counsel. Consequently, captioned WMP thereat is disposed of as closed. There shall be no order as to costs.

(M.S., J.) (K.R.S., J.)
09.01.2025

cad
Index : Yes/No
Internet : Yes/No

5. Learned counsel submits that notwithstanding the above said order, the impugned letter has been sent by R3 to R4 [copy marked to Writ Petitioner Nos.1 and 2 (Serial Nos.4 and 6)].

6. Issue notice to official respondents.

7. Mr.T.K.Saravanan, learned Additional Government Pleader accepts notice for R1 to R3 and Mr.J.Subbiah, learned Government Advocate (Crl.side) accepts notice for R4.

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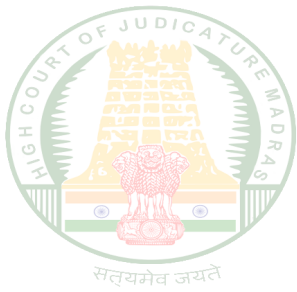


W.P.No.24350 of 2025

8. Learned State counsel for R1 to R3 submits, on instructions, that 27.06.2025 at 10.00am has been fixed as the date and time only for survey but the impugned letter is not happily worded and therefore, the same is being withdrawn. This submission is recorded as an undertaking given to the Court and on the basis of this submission, the impugned letter now stands effaced.

9. As the impugned letter stands effaced, the certiorari limb of the prayer alluded to supra stands answered. Consequently, the mandamus limb becomes inconsequential as afore-referred 09.01.2025 order in W.P.No.37548 of 2024 would now govern the issue.

10. Before we conclude and write the operative portion of this order, we deem it appropriate to record that learned counsel for writ petitioners brought to our notice that father of R5 before us (Mr.K.Elangovan) has filed a suit in O.S.No.1 of 2024 on the file of Principal District Munsif Court, Kallakurichi with prayers for declaration of title and consequential injunction as regards said land; in this suit, writ petitioners 1 and 2 are defendants 3 and 4 respectively and in the suit, pleading are complete and the same is pending. Though writ petitioners have produced copies of plaint and written statement, this Court went into the official website and the case details as available in the official website is as follows:



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W.P.No.24350 of 2025

10:43 AM

Home - eCourt India Services

Kallakurichi

Combined Courts, Kallakurichi

Party Name Case Number Filing Number Advocate FIR Number Act Case Type

Back

Principal District Munsif Court, Kallakurichi

Case Details

Case Type	OS - ORIGINAL SUIT		
Filing Number	18/2024	Filing Date	03-01-2024
Registration Number	1/2024	Registration Date:	03-01-2024
CNR Number	TNKA050000182024 (Note the CNR number for future reference)		View QR Code / Cause Title

Case Status

First Hearing Date	03rd February 2024
Next Hearing Date	07th July 2025



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W.P.No.24350 of 2025

7/4/25, 10:43 AM Home - eCourt India Services	
Case Stage	IA / EA Pending / CMP Pending / CRP Pending / CMA Pending
Court Number and Judge	6-Principal District Munsif

Petitioner and Advocate

- 1) Elangovan
Advocate- M.Sivakumar

Respondent and Advocate

- 1) Periyasamy
2) Vinoth
3) Ramki
4) Thopalan
5) Sathish

Acts

Under Act(s)

CodeofCivilProcedure

Under Section(s)

25(b)27(c)

IA Status

https://services.ecourts.gov.in/ecourtindia_v6/?p=casestatus/index&app_token=e2cb53605d67389551b0ed8fed44048dacaf38f6154fa65d8cf7137 3/9

11. Now the pendency of the afore-referred suit shall be read as an addenda to our earlier order dated 09.01.2025 in W.P.No.37548 of 2024 and the same will also be taken into account qua further proceedings.



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12. We preserve the rights of R3 and/or other revenue authorities to send communication/issue notice afresh for conducting survey after putting on notice all concerned, more particularly, the writ petitioners, private respondents and any other person who may be concerned with the matter.

13. We make it clear that as this order does not touch upon the rights of private respondents in any manner and on the contrary this order preserves all the rights and contentions of the private respondents in ensuing proceedings, we dispense with notice to the private respondents and take up the main WP with consent of learned counsel for writ petitioner, learned State counsel and learned Government Advocate (Crl.side) for R4.

Captioned WP disposed of in the aforesaid manner i.e., disposed of as closed. As there is a roll back qua impugned letter i.e., as the impugned letter stands effaced, captioned CMP thereat become otiose and the same are closed. There shall be no order as to costs.

[M.S., J.]

[H.C., J.]

04.07.2025

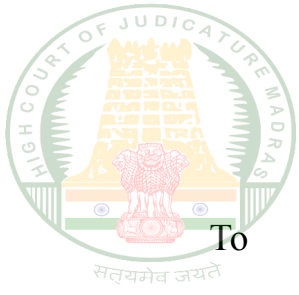
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Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order

gpa



W.P.No.24350 of 2025

To

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1. The District Collector
Kallakurichi
Kallakurichi District
2. The Revenue Divisional Officer
Kallakurichi
Kallakurichi District
3. The Tahsildar
Taluk Office
Chinnaselam
Kallakurichi District
4. The Inspector of Police
Keezhakuppam Police Station
Kallakurichi District – 606 201



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W.P.No.24350 of 2025

M.SUNDAR, J.
and
HEMANT CHANDANGOUDAR, J.

gpa

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