



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-08-2025

CORAM

THE HON'BLE MR JUSTICE M. SUNDAR

AND

THE HON'BLE MR.JUSTICE T. VINOD KUMAR

WP No. 28271 of 2025

A.E.Rathnakar
S/o.Eshwaran,No.10,Bajana Kovil
Street,Amarambedu, Panchalai,
Tiruvallur District.

..Petitioner

Vs

1. The Director Collector
Tiruvallur District.
2. The Tashildar,
Gummidipoondi Taluk, Tiruvallur District.
3. SUDHAKAR
S/o.Srinivasan, No.12, Amarapedu, Periya
Puliyur, Gummidipondi, Tiruvallur

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus, directing the 1st and 2nd respondents to forthwith remove the encroachment made by the 3rd respondent in New Village Natham Survey No.118/2H in Panchalai Revenue Village, Gummidipoondi Taluk, Tiruvallur District and restore the pathway to its original public use.

For Petitioner: Mr.S.Arunkumar
For Respondent(s): Mr.T.K.Saravanan
Additional Government Pleader
for R1 & R2



ORDER

WEB COPY

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

Captioned 'Writ Petition' {hereinafter 'WP' for the sake of brevity, convenience and clarity} has been filed with a 'RoE' {'Removal of Encroachment'} prayer qua 'S.No.118/2H in No.21, Paanchalai Village, Gummidipoondi Taluk, Chengalpet District, now Tiruvallur District' {hereinafter 'said land' for the sake of brevity, convenience and clarity}.

2. Repeated request and representations including a representation dated 24.03.2025 as regards RoE qua said land has not yielded any results and this has necessitated the captioned main WP is learned counsel's say.

3. Issue notice to official respondents.

4. Mr.T.K.Saravanan, learned Additional Government Pleader, accepts notice for R1, R2 and submits, on instructions, that said land was surveyed, encroachment was noticed, R3 is one of the alleged encroachers and that proceedings under 'the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity} are in the anvil. Learned State Counsel submits that notices under Section 7 of said 1905 Act will be issued to R3 and other alleged encroachers, within a fortnight from today i.e., on or before 15.08.2025.



5. When notices are issued to R3 and other alleged encroachers, we make it clear that all rights and contentions of R3 and other alleged encroachers will stand preserved for sending suitable reply and State shall consider the same on its own merits and in accordance with law. In other words, an order which does not impact or touch upon the rights of private respondent (R3) and / or any other similarly placed persons can be made. Therefore, we dispense with notice to R3 and take up the main WP in the Admission Board with the consent of learned counsel for writ petitioner and learned State Counsel.

6. Before we proceed further, we deem it appropriate to record the stated position of learned counsel for writ petitioner that the writ petitioner himself was found to be an encroacher and he has removed the encroachment in December of 2024 itself.

7. Learned State Counsel confirms this position. We record the same.

8. As regards RoE qua R3 and other similarly placed persons / alleged encroachers, we are of the considered view that recording the stated position of learned State Counsel will suffice for giving a closure to the captioned WP. We do so.



Captioned WP disposed of as closed albeit with preservation of rights of R3 and other alleged encroachers in the manner set out supra. There shall be no order as to costs.

WEB COPY

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

01-08-2025

mk

speaking / Non-speaking order

Neutral Citation : Yes / No

Index : Yes / No

To

1. The Director Collector
Tiruvallur District.
2. The Tashildar,
Gummidipoondi Taluk, Tiruvallur District.



WEB COPY

WP No. 28271 of 2



**M.SUNDAR, J.
AND
T.VINOD KUMAR, J.**

mk

WP No. 28271 of 2025

01-08-2025