



WEB COPY

W.P.No.24449 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**  
and  
THE HONOURABLE MR.JUSTICE **T.VINOD KUMAR**

**W.P.No.24449 of 2024**

A.Vedapuri  
S/o.S.Ayyadurai

... Petitioner

vs.

1. The District Collector  
District Collector Office  
First Floor, D.No.1 Collectorate  
Vengikal, Tiruvannamalai District  
Pincode - 606 604.
2. District Revenue Officer (D.R.O)  
District Revenue Officer Office  
First Floor, D.No.2, Collectorate  
Vengikal, Tiruvannamalai District  
Pincode - 606 604.
3. The Revenue Divisional Officer (R.D.O)  
Revenue Divisional Office, Cheyyar  
Cheyyar Taluk, Tiruvannamalai District  
Pincode - 604 407.
4. The Tahsildar  
Vembakkam Tahsildar Office  
Ground Floor, D.No.1, Kancheepuram Main Road  
Vembakkam Taluk, Tiruvannamalai District



W.P.No.24449 of 2024

Pincode - 604 410.

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5. The Zonal Joint Director (Z.J.D / R.J.D)  
Zonal Joint Director Office  
Department of Animal Husbandry,  
Tiruvannamalai  
Tiruvannamalai Taluk, Tiruvannamalai District  
Pincode - 606 601.
6. The Assistant Director  
Assistant Director Office  
Department of Animal Husbandry, Arani  
Arani Taluk, Tiruvannamalai District  
Pincode - 632 301.
7. Mr.M.Manikandan  
S/o.Murali
8. Mr.R.Ananthan  
S/o.Raman

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus, directing the fourth and sixth respondents to evict the encroachment in Government land according to the order passed by second respondent in Na.Ka.Aa.1/1576764/2023 dated 10.02.2024 and fifth respondent in Na.Ka.No.2803/E/2024 dated 26.03.2024 based on the petitioner's letter dated 01.12.2023.

|                 |   |                                                                                   |
|-----------------|---|-----------------------------------------------------------------------------------|
| For Petitioner  | : | Mr.R.Vinothkumar                                                                  |
| For Respondents | : | Mr.K.Suresh<br>Government Advocate<br>for R1 to R6<br>Mr.M.Venkatesh, for R7 & R8 |

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W.P.No.24449 of 2024

WEB COPY

## **ORDER**

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

The crux and gravamen of the prayer in the captioned 'Writ Petition' {hereinafter 'WP' for the sake of brevity, convenience and clarity} is 'RoE' {'Removal of Encroachment'} qua 'S.No.74/1 in No.71, Thirupanangadu Village, Vembakkam Taluk, Thiruvannamalai District' {hereinafter 'said land' for the sake of brevity, convenience and clarity}.

2. R1 [the District Collector, Vengikal, Tiruvannamalai District] has filed an affidavit dated 03.07.2025, wherein it has been averred that alleged encroachments have since been removed by resorting to 'the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity}. As regards notices under said 1905 Act, paragraph No.8 of the affidavit is of relevance and the same reads as follows:

*'8. It is submitted when action was initiated to remove the remaining encroachments, the petitioner filed this present writ petition No.24449 of 2024 before the Honourable Court with plea for*



*removing the encroachments in pursuant to the orders passed by the 2nd respondent and the 4th respondent filed counter affidavit before the Honourable Court in the said writ petition on 24.10.2024. It is submitted that while so, notice in form 7 under the Tamil Nadu Land Encroachment Act 1905 was served on 10.10.2024 followed by the service of notice in Form 6 on 30.10.2024 issued by the 4th respondent to the following four (4) encroachers and action was pursued for removal of the said encroachments.'*

| <b>Sl. No.</b> | <b>Survey No.</b> | <b>Extent (Ares)</b> | <b>Name of Encroachers (Tvl)</b> | <b>Nature of Encroachment</b> | <b>Extent under encroachment (sq.mts)</b> |
|----------------|-------------------|----------------------|----------------------------------|-------------------------------|-------------------------------------------|
| 1.             | 74/1              | 0.16.5               | Ellappan                         | Cement sheeted house          | 27                                        |
| 2.             | 74/1              | 0.16.5               | Kamala                           | Cement sheeted house          | 77                                        |
| 3.             | 74/1              | 0.16.5               | Dakshinamoorthy                  | Concrete Terraced house       | 57                                        |
| 4.             | 74/1              | 0.16.5               | Manikandan                       | Concrete Terraced house       | 11                                        |

3. Mr.R.Vinothkumar, learned counsel on record for writ petitioner submits that alleged encroachments qua said land have since been removed and therefore, the prayer stands answered in the affirmative. This submission is recorded. However, Mr.M.Venkatesh, learned counsel for private respondents - R7 & R8 submits that R7 & R8 were never served



*W.P.No.24449 of 2024*

with any notices much less notices under Sections 7 and 6 of said 1905 Act.

We leave open this question as that would be outside the legal perimeter of the captioned WP. In other words, it is outside the remit of the captioned main WP.

4. Be that as it may, we make it clear that all rights and contentions of private respondents - R7 & R8 are left open with regard to (a) seeking remedy, if demolition / RoE is without resorting to said 1905 Act or due process of law; and (b) seeking alternative house sites under appropriate welfare scheme, if eligible. If private respondents R7 and R8 and the other similarly placed persons resort to this measure, the same shall be dealt with on its own merits and in accordance with law untrammelled by this order.

5. Captioned WP is given a closure by recording the undisputed position that alleged encroachers have since been removed albeit with preservation of rights and contentions of private respondents - R7 & R8 in the aforesaid manner.



W.P.No.24449 of 2024

**WEB COPY** Captioned WP is disposed of in the aforesaid manner. There shall be no order as to costs.

(M.S.J.) (T.V.K.J.)  
01.08.2025

Index : Yes / No  
Neutral Citation : Yes / No  
Speaking / Non-speaking

*mk*



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

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**01.08.2025  
(1/2)**

Page Nos.8/8