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W.P.No.28346 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2025

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

W.P.No.28346 of 2025

Boopathi

.. Petitioner

Vs.

- 1.The District Collector,
District Collector Office,
Namakkal District.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Tiruchengode Division,
Namakkal District.
- 3.The Revenue Tahsildar,
Revenue Tahsildar Office,
Tiruchengode Taluk,
Namakkal District.
- 4.The Revenue Inspector,
Revenue Tahsildar Office,
Tiruchengode Taluk,
Namakkal District.



W.P.No.28346 of 2025

5.The Village Administrative Officer,
Village Administrative Office,
Elanagar Village, Namakkal.

6.Matheswaran
7.Kavitha

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to remove the encroachments over 24.50 acres in Old Survey No.160, New Survey No.160/2 situated in Elanagar Village, Tiruchengode Taluk, Namakkal District and to restore the land to its original classification as Arasu Poramboke land for the benefit of agricultural sustainability based on the petitioner's representation dated 02.07.2025.

For Petitioner : Mr.R.Rajaramani (VC)
Ms.P.Neelavathi

For Respondents : Mr.T.K.Saravanan,
Additional Government Pleader
for R1 to R5

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) is 'lands comprised in Survey No.160/2 in



W.P.No.28346 of 2025

Elanagar Village, Tiruchengode Taluk, Namakkal District' (hereinafter 'said lands' for the sake of convenience and clarity).

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2. In the hearing today, Mr.R.Rajaramani, learned counsel on record for writ petitioner is before us on VC (video conferencing) platform and Ms.P.Neelavathi, co-counsel on record is before us in the physical Court (to be noted, this is a hybrid hearing, which is a regular/routine/daily feature in this Court).

3. Adverting to the prayer in the captioned WP, learned counsel for writ petitioner submits that captioned WP has been filed with RoE (Removal of Encroachment) prayer qua said lands and learned counsel added that private respondents/R6 and R7 are alleged encroachers. It is however submitted by learned counsel for writ petitioner that repeated representations and requests to official respondents including the representation dated 02.07.2025 did not yield results and that has necessitated captioned WP.

4. Issue notice to official respondents.



W.P.No.28346 of 2025

5. Mr.T.K.Saravanan, learned Additional Government Pleader accepts notice for official respondents/R1 to R5 and submits on instructions that said lands are patta lands and patta has been granted for the entire extent of said lands to R7 [Ms.Kavitha, W/o.Mr.Matheswaran (R6)]. Learned State counsel has also placed before us a photocopy of the patta being Patta No.1481.

6. In response to the above, learned counsel for writ petitioner submitted that said lands as per the revenue classification was originally Government poramboke lands but it subsequently appears to have been reclassified and patta ought not to have been issued. This is an issue which the writ petitioner has to canvass by assailing reclassification and issue of patta if so advised and so desired. Learned counsel for writ petitioner submits that the writ petitioner would approach the civil Court. Without expressing any opinion on the fora, we make it clear that all the rights and contentions of writ petitioner stand preserved for assailing reclassification and patta if so desired. Axiomatically, we add that rights and contentions of R6 and R7/private respondents are also stand preserved if any proceedings assailing reclassification and issue of patta are initiated either by the writ petitioner or by any other person and that such rights and contentions

Page Nos.4/7



W.P.No.28346 of 2025

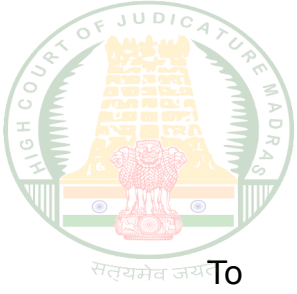
will remain preserved untrammelled by instant order. In other words, instant order will not impact the rights and contentions of private respondents/R6 and R7. In this view of the matter, we dispense with notice to R6 and R7 and take up the main WP in the Admission Board with the consent of learned counsel for writ petitioner and learned State counsel.

7. In the light of the narrative thus far, prayer of the writ petitioner i.e., mandamus prayer qua RoE as regards said lands more particularly as against R6 and R7/private respondents cannot be acceded to but rights and contentions of writ petitioner and private respondents/R6 and R7 are preserved in the aforesaid manner.

8. Captioned WP is disposed of as closed in the aforesaid manner. There shall be no order as to costs.

(M.S.,J.) (T.V.K.,J.)
05.08.2025

Index : Yes / No
Neutral Citation : Yes / No
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W.P.No.28346 of 2025

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W.P.No.28346 of 2025

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and
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mmi

W.P.No.28346 of 2025

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Page Nos.7/7