



W.P No. 27176 of 2021

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-06-2025

CORAM

THE HON'BLE MR JUSTICE M. SUNDAR

AND

THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

W.P No. 27176 of 2021

AND

WMP.No. 26569 of 2024

Suresh Natarajan Sriram

..Petitioner

Vs

1.The District Collector,
Namakkal District,
Namakkal.

2.The District Revenue Officer,
Namakkal District,
Namakkal.

3.The Revenue Divisional Officer,
Namakkal,
Namakkal District.

4.The Tahsildar,
Kolli Hills Taluk,
Namakkal District.

5.The Block Development Officer,
Kolli Hills,
Namakkal District.



W.P No. 27176 of 2021

6. The District Forest Officer,
Namakkal Circle,
Namakkal District.

7. Punna. Muthusamy

8. Serakali Palaniammal

9. M. Anburaj

10. S. Kanaka

11. Punna. Chinnapaiyan

12. C. Selvaraj

13. S. Dhanam

.. Respondents

Writ petition is filed under Article 226 of Constitution of India, praying for issuance of writ of mandamus, directing the official respondents to remove the illegal encroachment on the pathway bearing Old Survey No.358 and remove the animal huts build on the Revenue lands bearing Old Survey No.353 at Kumbapadi Village, Thirupulinadu, Kolli Hills, Namakkal District by considering the petitioner's representation dated 12.11.2021 within a stipulated time frame and pass such other or further orders.

For Petitioner: Mr. M. Venkatesh
for Mr. R. M. Makesh Kumaravel

For RR1 to 4 : Mr. M. S. Arasakumar, Govt. Advocate
For R5 Mr. M. Alagu Goutham, Govt. Advocate
For R6 Mr. S. Rajesh, Govt. Advocate



W.P No. 27176 of 2021

ORDER

(Made by M. SUNDAR,J.)

WEB COPY

Captioned main 'writ petition' (hereinafter 'WP' for the sake of brevity) has been filed with a prayer for removal of alleged encroachments in 'Old Survey Nos. 358 and 353, both in Kumbapodi Village, Thirupulinadu, Kolli Hills, Namakkal District' (hereinafter 'said lands' for the sake of convenience and clarity). As regards said lands, 'old Survey No. 358' shall be referred to as 'I said land' and the land in 'old Survey No. 353' shall be referred to as 'II said land', both for the sake of convenience and clarity.

2. Mr.M.Venkatesh, learned counsel for writ petitioner is before us.

3. Mr.M.S.Arasakumar, learned State counsel for official respondents 1 to 4 submits that 'I said land' as per revenue records is classified as patta land, and patta stands in the name of Mr. Punna Selvan. As regards the 'II said land', learned State counsel submits that the same is also classified as patta land *qua* revenue records and the patta stands in various names.

4. The sequitur is, statutes dealing with removal of encroachments in public/Government land cannot be invoked. This, by itself, draws curtains on



W.P No. 27176 of 2021

WEB COPY

the captioned WP. Nonetheless, we preserve all the rights and contentions of the writ petitioner to file a civil suit, if so advised and if so desired. If such a course is adopted, though obvious, we make it clear that all the rights and contentions of the private respondents will stand preserved *qua* civil suit and they will stand preserved untrammelled by this order. This also means that the Civil Court concerned will conduct trial on its own merits and in accordance with law.

5. Captioned WP stands dismissed, albeit with preservation of rights and contentions in the aforesaid manner. In the light of closure which we give to the captioned main WP in the aforesaid manner, W.M.P. No.26569 of 2024 has become otiose and the same is disposed of as closed. There shall be no order as to costs.

(M.S.J.) (H.C.J.)
16.06.2025

Index : Yes / No
Neutral Citation : Yes / No
ak



W.P No. 27176 of 2021

WEB COPY

To

1.The District Collector,
Namakkal District,
Namakkal.

2.The District Revenue Officer,
Namakkal District,
Namakkal.

3.The Revenue Divisional Officer,
Namakkal,
Namakkal District.

4.The Tahsildar,
Kolli Hills Taluk,
Namakkal District.

5.The Block Development Officer,
Kolli Hills,
Namakkal District.

6.The District Forest Officer,
Namakkal Circle,
Namakkal District.



WEB COPY



W.P No. 27176 of 2021

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

ak

**W.P No. 27176 of 2021
AND
WMP.No. 26569 of 2024**

16.06.2025