



WEB COPY

W.P. No.29283 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2025

CORAM:
THE HON'BLE MR. JUSTICE M. SUNDAR
AND
THE HON'BLE MR. JUSTICE T. VINOD KUMAR

W.P.No.29283 of 2025 and W.M.P. No.32830 of 2025

V.Manickam

Petitioner

vs.

1. The District Collector
Krishnagiri District
Krishnagiri
2. The Tahsildar
Krishnagiri Taluk
Krishnagiri
Krishnagiri District
3. The Revenue Inspector
Krishnagiri Firka
Krishnagiri
Krishnagiri District
4. Murugesan
5. Vasantha

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 3 to remove the encroachments made by the respondents 4 and 5 in the pasture land in S.No.506/1, situated at Gothikuttalapalli Revenue Village, Krishnagiri Taluk, Krishnagiri District and to restore the said pasture land to its original position.

For petitioner

Mr. M.R. Jothimanian

For RR1 to 3

Mr. K. Suresh
Government Advocate

For RR 4 & 5

Notice dispensed with



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ORDER

(made by M. SUNDAR, J.)

Subject matter of captioned 'writ petition' [hereinafter 'WP' for the sake of brevity] is 'land comprised in S.No.506/1, situate at Gothikuttalapalli Revenue Village, Krishnagiri Taluk, Krishnagiri District [hereinafter 'said land' for the sake of convenience and clarity].

2. Captioned WP has been filed with a 'Removal of Encroachment' (RoE) prayer and Mr. M.R. Jothimanian, learned counsel on record for writ petitioner, submits that respondents 4 and 5 (private respondents) are alleged encroachers, proceedings under 'the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' [hereinafter 'said 1905 Act' for the sake of convenience and clarity] have already been commenced against fourth and fifth respondents, the same have culminated in an order under Section 6, there is inaction on the part of official respondents. This inaction has necessitated the captioned WP with the mandamus prayer is learned counsel's say.

3. Issue notice to official respondents (respondents 1 to 3).



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4. Mr. T.K. Saravanan, learned Additional Government Pleader, accepts notice for official respondents (respondents 1 to 3) and submits, at the outset, that fourth respondent alone is the alleged encroacher, that proceedings under said 1905 Act as regards encroachment in said land has, in fact, been initiated, notice under Section 7 of said 1905 Act being notice signed by third respondent (Revenue Inspector) on 24.09.2024 has been issued to fourth respondent (private respondent), this was followed by order under Section 6 signed on 12.02.2025 by second respondent (Tahsildar). To be noted, Section 7 notice and Section 6 order as regards fourth respondent have been enclosed in the typed set of papers filed by the writ petitioner.

5. Learned State counsel submits that fourth respondent (private respondent) has not filed any statutory appeal under Section 10 of said 1905 Act. It is also submitted that RoE is in the anvil and RoE will be commenced as expeditiously as the business of official respondents permits but in any event within eight weeks from today *i.e.*, on or before 01.10.2025. This submission of learned State counsel made on instructions is recorded as an undertaking given to this Court by official respondents.

6. In the light of the narrative thus far, we are of the considered view that a closure can be given to the captioned WP by



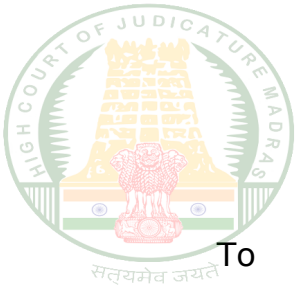
preserving the rights and contentions of fourth respondent. It is made clear that this order will not impact the rights and contentions of fourth respondent. Rights either under said 1905 Act or any other law will stand preserved untrammelled by the instant order. In this view of the matter, we dispense with notice to fourth and fifth respondents though fifth respondent is not an encroacher according to learned State counsel and take up the captioned WP with the consent of learned counsel for writ petitioner and learned State counsel.

7. As already alluded to *supra*, recording the stated position of learned State counsel will suffice to give a closure to the captioned WP. We do so.

8. Captioned WP stands disposed of in the aforesaid manner. Consequently, captioned writ miscellaneous petition thereat stands disposed of as closed. There shall be no order as to costs.

(M.S., J.) (T.V.K., J.)
06.08.2025

cad
Index : Yes/No
NC : Yes/No



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