



W.P.No.28205 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2025

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

W.P.No.28205 of 2025
and
W.M.P. Nos.31631 and 31635 of 2025 in W.P. No.28205 of 2025

Dhanalakshmi .. Petitioner

Vs.

1.The District Collector,
Tiruthani, Thiruvallur District.

2.Tahsildar,
Tiruttani Town and Taluk,
Thiruvallur District.

3.Junior Engineer (Irrigational Division),
Public Works Department,
Tiruttani.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorarified Mandamus to call for the records of the third respondent in their office notice No.K8/J.E./Thirutani/2025 dated 15.07.2025 relating to the land in Survey No.93/3, Amirthapuram Village, Thiruttani Division, Tiruvallur District in Door No.211-A,



W.P.No.28205 of 2025

Saibaba Nagar, Chittoor Road, Thiruttani – 631 209 under Section 6(1) of The Tamil Nadu Land Encroachment Act, 1905 and quash the same and direct the second and third respondents to forbear them from in any way interfering with the petitioner's peaceful possession and enjoyment of the above said property, pending final determination of the statutory appeal preferred by the petitioner under Sections 10 and 10(a) of the Land Encroachment Act dated 10.07.2024 before the first respondent.

For Petitioner : Mr.D.S.Rajasekaran

For Respondents : Mr.T.K.Saravanan
Additional Government Pleader

ORDER

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

Captioned main 'Writ Petition' [hereinafter 'WP' for the sake of brevity] has been filed with a prayer for issue of a writ of certiorarified mandamus.

2. In and vide certiorari limb of the prayer, a 'notice dated 15.07.2025 bearing reference அறிவிப்பு எண்.கோ8/இ.பொ/திருத்தணி/2025 issued by R3 (Junior Engineer (Irrigational Division), Public Works Department, Tiruttani)' which shall hereinafter be referred to as 'impugned notice' has been assailed.

Page Nos.2/7



W.P.No.28205 of 2025

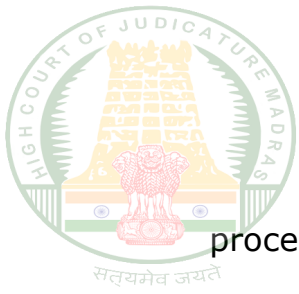
3. As regards the mandamus limb of the prayer, a direction to R2 and R3 has been sought and the direction is to forbear them from interfering with petitioner's possession qua 'land comprised in Survey No.93/3 in No.17, Amirthapuram Village, Tiruttani Taluk, Thiruvallur District' (hereinafter 'said land' for the sake of convenience and clarity).

4. Mr.D.S.Rajasekaran, learned counsel on record for writ petitioner submits that the writ petitioner is already facing proceedings under 'The Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity} and the same is at the appellate stage i.e., an appeal dated 10.07.2024 is pending before R1 (District Collector, Thiruvallur) but pending appeal, the impugned notice has been issued by R3.

5. Issue notice to respondents.

6. Mr.T.K.Saravanan, learned Additional Government Pleader accepts notice for all three respondents and in his usual fairness, he submits that the impugned notice will now stand withdrawn but makes a plea to preserve all the rights of the State to continue the

Page Nos.3/7



W.P.No.28205 of 2025

proceedings for RoE (Removal of Encroachment) which has already been commenced under said 1905 Act.

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7. In the light of the fair stand taken by the learned State counsel, the legal drill at hand has become fairly simple. Therefore, with the consent of learned counsel on both sides, main WP is taken up in the Admission Board itself.

8. Now that the impugned notice stands withdrawn, the same stands effaced by the stated position of learned State counsel and this is an answer to the certiorari limb of the prayer.

9. As regards the mandamus limb of the prayer, learned State counsel submits on instructions from R1 that the aforereferred statutory appeal under Section 10 of said 1905 Act being appeal dated 10.07.2024 will be disposed of on its own merits and in accordance with law as expeditiously as the business of R1 permits but in any event within eight weeks from today i.e., on or before 26.09.2025. Learned State counsel also fairly submits that coercive action (if any and if that be so) will be subject to and depending on the outcome of the statutory appeal.

Page Nos.4/7



W.P.No.28205 of 2025

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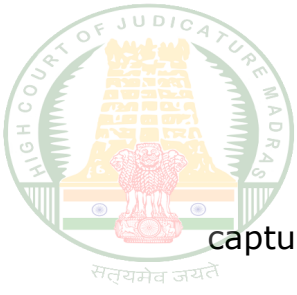
10. The order made by R1 in the statutory appeal shall be served on the writ petitioner under due acknowledgement within seven working days from the date of order.

11. Proceedings under said 1905 Act shall continue and be carried to its logical end untrammelled by this order. All questions are left open and all rights of both sides are preserved without being impacted by this order.

12. The stated position of learned State counsel that coercive action (if any and if that be so) will be subject to outcome of the statutory appeal (which has been captured supra) douses the anxiety of the writ petitioner qua mandamus limb of the prayer. As both limbs of the prayer stand answered, this Court is of the considered view that captioned main WP and the captioned Writ Miscellaneous Petitions (WMPs) thereat can be given a closure by recording the aforesaid stated position of learned State counsel. We do so.

13. Captioned WP is disposed of as closed recording the stated position of learned State counsel. In the light of what has been

Page Nos.5/7



W.P.No.28205 of 2025

captured supra as regards coercive action (if any and if that be so),
captioned WMPs have become otiose and the same are also disposed
of as closed. There shall be no order as to costs.

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

Index : Yes
Neutral Citation : Yes
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To

- 1.The District Collector,
Tiruthani, Thiruvallur District.
- 2.The Tahsildar,
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