



WEB COPY

W.P. No.32247 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

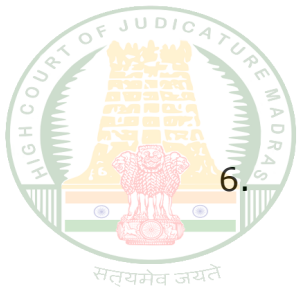
DATED: 25.08.2025

CORAM:

THE HON'BLE MR. JUSTICE M. SUNDAR
AND
THE HON'BLE MR. JUSTICE R. SAKTHIVEL

W.P.No.32247 of 2025 and W.M.P No.36154 of 2025

1. Mari
 2. Palani
 3. Perumal
 4. Chinnapaiyan
 5. Madhappan
 6. Arumugam
 7. Sathiyavani
- Petitioners
- vs.
1. The State represented by
the District Collector
O/o the District Collector
Krishnagiri District
 2. The District Revenue Officer
O/o District Revenue Officer
Krishnagiri District
 3. The Revenue Divisional Officer
Krishnagiri Division
Krishnagiri
 4. The Tahsildar
Pochampalli Tahsildar Office
Krishnagiri District
 5. The Block Development Officer
Bargur Block Development Office
Krishnagiri District



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W.P. No.32247 of 202



6.

The Village Administrative Officer
Valasagoundanoor Village Administrative Office
Pochampalli Taluk
Krishnagiri District

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the records of the first respondent in Na.Ka. 3458/2025/H3 dated 18.07.2025 and quash the same and consequently, direct the respondents to acquire the private land by paying proper compensation (RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION ACT, REHABILITATION AND RESETTLEMENT ACT, 2013) in Survey S.F. No.335B/3 at Thimmanaickanpatty, Pochampalli Taluk, Krishnagiri District, if the respondents desire to lay road on the petitioners' patta land.

For petitioners

Mr. M. Muruganantham
for Mr. T. Elumalai

For RR 1 to 4 & 6

Mr. K. Suresh
Govt. Advocate

For R5

Mr. T.K. Saravanan
Addl. Govt. Pleader

ORDER

(made by M. SUNDAR, J.)

Subject matter of captioned main 'writ petition' [hereinafter 'WP' for the sake of brevity] is land comprised in 'Survey No.335B/3 in Thimminaickanpatti Village, Pochampalli Taluk, Krishnagiri District' [hereinafter 'said land' for the sake of convenience and clarity].



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2. Fourth respondent (Tahsildar) sent a communication (signed on 08.01.2025) to writ petitioner no.6 (Arumugam, son of Krishnan) *inter alia* stating that 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] will be commenced on the ground that said land which is classified as 'Nilavial Paadhai' is Government land owing to RSO 26 (15) [hereinafter 'said order' for the sake of convenience and clarity]. Said order was assailed by writ petitioners by way of a statutory appeal under Section 10 of said 1905 Act (to be precise, under Section 10(a) as Section 10(a) talks about appeal against 'any decision' or 'any order' passed by fourth respondent. This appeal was considered by first respondent as appellate authority and first respondent confirmed said order of fourth respondent in and *vide* an 'order dated 18.07.2025 bearing reference Na.Ka.3458/2025/H3' [hereinafter 'impugned order' for the sake of convenience and clarity].

3. Captioned main WP has been filed assailing the impugned order and also seeking compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter 'Fair Compensation Act' for the sake of convenience and clarity] *qua* said land.



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4. Mr. M. Muruganantham, learned counsel representing Mr.T.Elumalai, learned counsel on record for writ petitioners, notwithstanding myriad grounds in the writ affidavit, predicates his campaign against the impugned order on one short point and that one short point is, said order of fourth respondent was not preceded by a notice under Section 7 of said 1905 Act.

5. Issue notice to respondents.

6. Mr. K. Suresh, learned Government Advocate, accepts notice for respondents 1 to 4 and 6 and Mr. T.K. Saravanan, learned Additional Government Pleader, accepts notice for fifth respondent.

7. Mr. T.K. Saravanan, learned State counsel, on instructions, submits that there is no encroachment *qua* said land, there is a proposal to lay a public road but that is being objected to by writ petitioners.

8. From the narrative thus far, it is clear that the point is fairly simple. Therefore, with the consent of learned counsel for parties, captioned main WP is taken up for final disposal in the Admission Board itself.

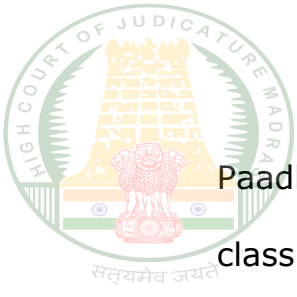


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9. In our considered view, the lone point on which the writ petitioners' campaign against the impugned order of first respondent is predicated *i.e.*, a point that the said order was not preceded by a notice under Section 7 of said 1905 Act is a damp squib as learned State counsel submits that if any 'Removal of Encroachment' (RoE) proceedings are resorted to, the same will be by issuing a notice under Section 7 of said 1905 Act. This submission is recorded. In any event, said order of fourth respondent also says so. Therefore, we make it clear that if Section 7 notice is issued, all questions are left open and rights and contentions of writ petitioners or noticees are preserved for sending a suitable reply. This answers the certiorari limb of the prayer.

10. As regards the mandamus limb of the prayer, question of payment of compensation under Fair Compensation Act arises only when private lands are acquired. If State is to take over any private land, Fair Compensation Act shall be resorted to, is learned State counsel's say. This submission is also recorded.

11. The only position which we clarify is that said land, even according to writ petitioners' averments, will not qualify as private land as it is classified as Nilavial Paadhai. *Vide* RSO 26(15), Nilavial



Paadhai vests in Government. If writ petitioners dispute such classification, it is open to writ petitioners to take recourse to law and pursue civil suit which is said to have been filed.

12. Captioned main WP stands disposed of as closed in the aforesaid manner with the aforementioned observations and capturing of stated positions of parties in the aforesaid manner. Consequently, captioned writ miscellaneous petition thereat is disposed of as closed. There shall be no order as to costs.

(M.S., J.) (R.S.V., J.)
25.08.2025

cad



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O/o the District Collector
Krishnagiri District
2. The District Revenue Officer
O/o District Revenue Officer
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3. The Revenue Divisional Officer
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