



WEB COPY

W.P.No.33896



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2025

CORAM:

THE HONOURABLE MR. JUSTICE M. SUNDAR

AND

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P. No.33896 of 2025

and

W.M.P. No.38037 of 2025 (Direction Petition)

Ashley Merin Sam
represented by Power of Attorney
Dr. J. Samuel Joseph
S/o Joseph
Door No.18/354, Padinjattidom House
Marthoma Nagar Post
Gudalur Village
Nilgiris

Petitioner

vs.

1. The District Collector
Ootacamund
Nilgiris District
2. The Tahsildar
Gudalur Taluk
Nilgiris District
3. The Revenue Divisional Officer
Gudalur Taluk
Nilgiris District

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to forbear the respondents, their men, agents, servants, subordinates or anybody acting on their behalf from in any way interfering



with petitioner's possession/taking possession of the property situated in Survey No.744/7 and 744/8, Door No.12/590G1, Marthoma Nagar, Gudalur Taluk, Nilgiris District.

For petitioner Ms. Selvi George
For respondents 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 lands comprised in 'Survey Nos.744/7 and 744/8 in Gudalur I Village, Gudalur Taluk, Nilgiris District' [hereinafter 'said lands' for the sake of convenience and clarity].

2. Ms. Selvi George, learned counsel on record for writ petitioner, submits that writ petitioner's daughter and writ petitioner's brother's wife have constructed dwelling houses in said lands and dwelling houses bear Door No.12/590G1, Marthoma Nagar, Gudalur Taluk, Nilgiris District. For the sake of convenience, we shall be referring to the superstructure in the said lands as 'said superstructure thereat'.



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3. Learned counsel submits that the revenue authorities have proceeded against the writ petitioner as regards 'S.Nos.744/1 and 745 in Gudalur Village, Gudalur Taluk, Nilgiris District' [hereinafter 'said other lands' for the sake of convenience and clarity] alleging encroachment, this proceedings is now at the stage of Section 6 order made by second respondent (Tahsildar) being 'order dated 12.09.2024 bearing reference Rc.B3.1537/2024' [hereinafter 'said Section 6 order' for the sake of convenience and clarity].

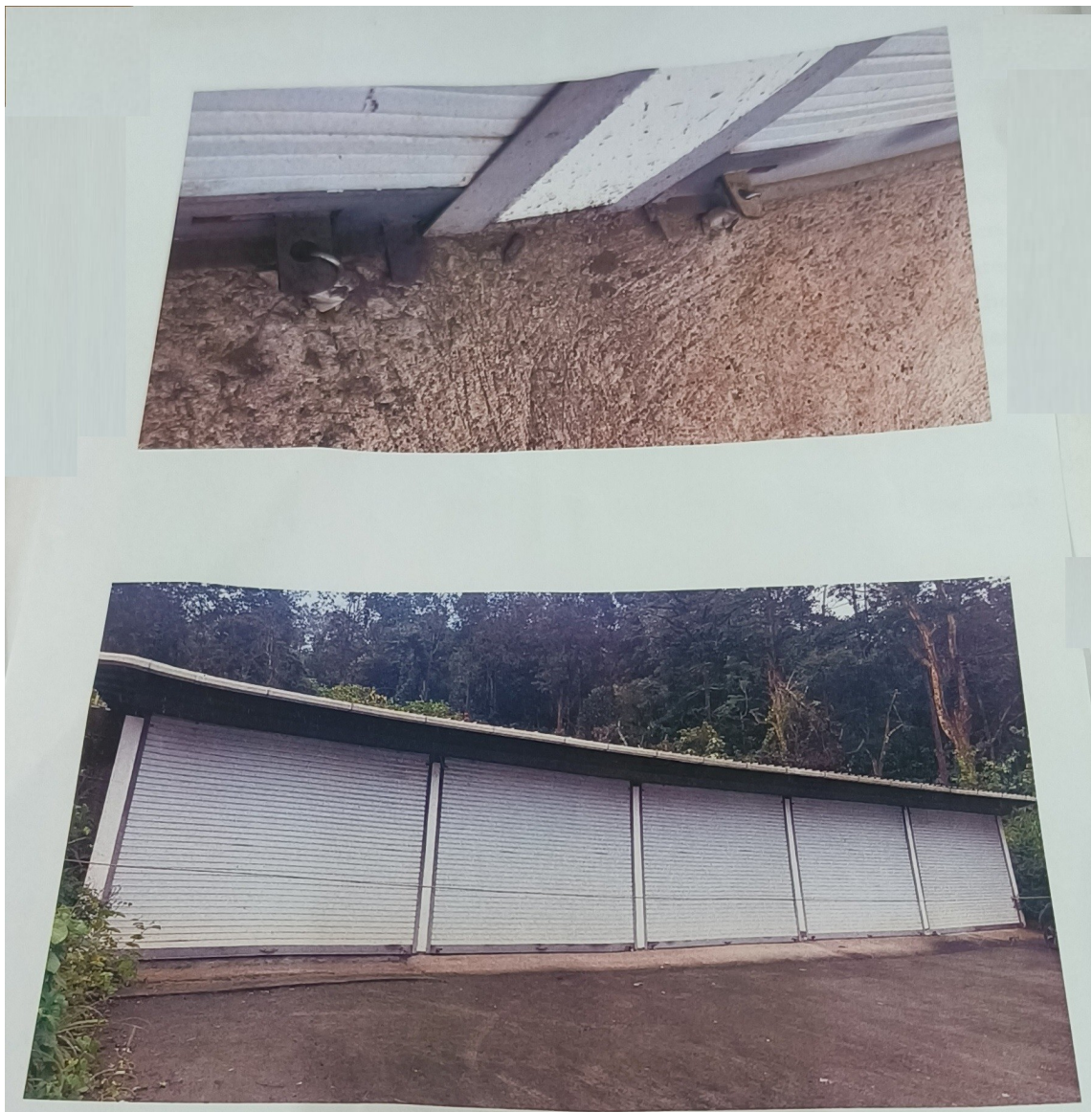
4. Issue notice to respondents.

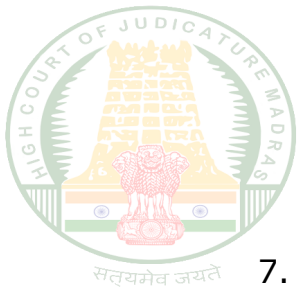
5. Mr. T.K. Saravanan, learned Additional Government Pleader, accepts notice for all three respondents and submits on the basis of written instructions that said lands together with said superstructure thereat are not being touched and that proceedings are only against the alleged encroachment in said other lands.

6. Learned counsel for writ petitioner submitted that the revenue authorities have locked and sealed the properties. In response to this,



learned State counsel submitted on the basis of written instructions that what has been locked and sealed is only the superstructure in the said other lands which is in the form of five shops with rolling shutters and tin sheet. Learned State counsel, to buttress his submission, has placed before us photographs, scanned reproduction of which is as follows:





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7. To put it differently, it is the stated position of learned State counsel that said lands and said superstructure thereat which is in the nature of dwelling houses are not being proceeded against and learned State counsel also very fairly submits that said lands (S.Nos.744/7 and 744/8) are patta lands.

8. Learned counsel for writ petitioner very fairly submitted that recording the stated position of learned State counsel will douse the anxiety of the writ petitioner.

9. In the light of the narrative thus far, we give closure to the captioned main WP by recording the stated position of learned State counsel.

10. Captioned main WP stands disposed of as closed in the aforesaid manner. Consequently, captioned writ miscellaneous petition thereat seeking direction is also disposed of as closed. There shall be no order as to costs.

(M.S., J.) (M.S.K., J.)
08.09.2025

cad
Index : Yes/No
NC : Yes/No



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M. SUNDAR, J.

and

MUMMINENI SUDHEER KUMAR, J.

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To

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Nilgiris District
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