



WEB COPY

W.P. No.33607 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 06.01.2025

CORAM:

THE HON'BLE MR. JUSTICE M. SUNDAR
AND
THE HON'BLE MR. JUSTICE K. RAJASEKAR

W.P. No.33607 of 2024

Karthikeyan

Petitioner

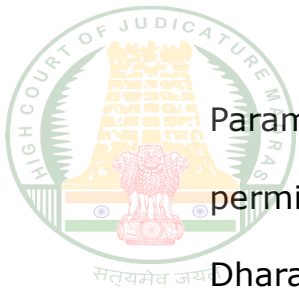
VS.

1. The District Collector
Office of the District Collector
Palayam Road
Tiruppur City
Tiruppur district
2. The Revenue Divisional Officer
Dharapuram
Tiruppur District
3. The Revenue Tahsildar
Office of the Tahsildar
Pollachi Road
Dharapuram Taluk
Tiruppur District
4. The Junior Engineer
PAP Irrigation Office
Chencherryputhur
Sullur Taluk
Coimbatore District

5. Baladhandapani

Respondents

Writ Petition filed under Article 226 of the Constitution of India
seeking a writ of mandamus directing the respondents 1 to 4 to
remove the encroached pipe line of the fifth respondent fixed in



Parambikulam Aliyar Project to extract water illegally without a ,
permission from the authority in Kasilingam Palayam Village,
Dharapuram Taluk, Tiruppur District.

WEB COPY

For petitioner	Mr. V. Lakshmi Narayanan
For RR 1 to 4	Mr. T.K. Saravanan
	Government Advocate

ORDER

(made by M. SUNDAR, J.)

This order will now dispose of the captioned 'writ petition' ('WP' for the sake of brevity).

2. This order has to be read in conjunction with and in continuation of earlier proceedings made in the previous listing on 16.12.2024 which reads as follows:

'W.P.No.33607 of 2024

M.SUNDAR, J.,
and
K.RAJASEKAR, J.,

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

Read this in conjunction with and in continuation of earlier proceedings made in the previous listing on 12.12.2024 which reads as follows:

'W.P. No.33607 of 2024

M.SUNDAR, J.
and
K.RAJASEKAR, J.

(Order of the Court was made by M.SUNDAR, J.)

Read this in conjunction with and in continuation of earlier proceedings made in the previous listing on 18.11.2024 which reads as follows:



WEB COPY



'W.P.No.33607 of 2024

M.SUNDAR, J.,
and
K.RAJASEKAR, J.,

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

When the matter was taken up, Mr.V.Lakshmi Narayanan, learned counsel for writ petitioner sought for an adjournment to produce a notification regarding a Committee qua drawing water without permission in Parambikulam Aliyar Project. Request acceded to.

2. List under the cause list caption 'ADJOURNED ADMISSION' in the Admission Board i.e., Motion List on 02.12.2024.'

2. Today, Mr.V.Illanchezian, learned counsel representing the counsel on record for writ petitioner advertent to earlier proceedings requests for time to file certain papers in the Registry and bring it on Board. Request acceded to.

3. List a fortnight hence. List on 16.12.2024.'

2. Today, Mr.V.Illanchezian, learned counsel representing counsel on record for writ petitioner has placed before us proceedings dated 08.05.2022 bearing reference No.Na.Ka/4221/2017/A1 by way of additional typed set of papers dated 12.12.2024.

3. Learned State Counsel requests for a short accommodation to get instructions and revert to this Court. Request acceded to.

4. List under the same cause list caption i.e., 'ADJOURNED ADMISSION' in the Admission Board i.e., Motion List three weeks hence.

List on 06.01.2025.'

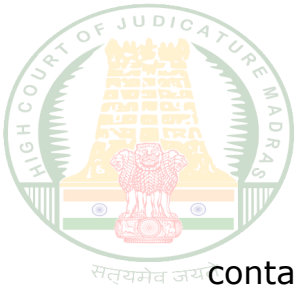
3. A careful perusal of the aforementioned 16.12.2024 proceedings makes it clear that the proceedings are tell-tale *qua* factual matrix as well as the trajectory the matter has taken thus far before this Court.



WEB COPY

4. Today, Mr.T.K. Saravanan, learned State Counsel for RR 1 to 4, advertng to proceedings dated 08.05.2022 placed before us by way of an additional typed set of papers by counsel for writ petitioner (additional typed set dated 12.12.2024), submitted that the Committee is a one time measure pursuant to judicial orders of this Court.

5. Be that as it may, learned State counsel submitted, on instructions, that survey has already been conducted and notice under Section 7 of 'the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' (for the sake of brevity 'said 1905 Act') has already been issued *inter alia* to R5. This means that R5 has been show caused. To be noted, R5 is a private respondent. This Court makes it clear that all the rights and contentions of R5 will stand preserved untrammelled by this order. In other words, R5 having been show caused, can respond to the notice and when R5 does so (if so advised and if so desired), this order will neither serve as an impetus nor impede the response. Likewise, the Revenue authority concerned shall consider the response untrammelled by this order and make a suitable order under Section 6 of said 1905 Act.



WEB COPY

6. This Court has repeatedly held that said 1905 Act is a self contained Code. The reason *inter alia* is that there is a provision to have the alleged encroacher show caused under Section 7 of said 1905 Act followed by an order (considering the cause shown). The order under Section 6 is appealable under Section 10 (District Collector is the appellate authority) and there is a provision for further revision to the Government under Section 10-A (Section 10-A(3) to be precise) of said 1905 Act. Pending appeal / revision, there is a provision for making interim prayer *vide* Section 10-B of said 1905 Act. Therefore, said 1905 Act is a self contained Code in every sense of the expression.

7. In the light of the narrative thus far as law has taken its course, we deem it appropriate to write that it will suffice to record the stated position of the learned State counsel and dispose of the captioned WP as closed.

8. Captioned WP is disposed of in the aforesaid manner. There shall be no order as to costs.

(M.S., J.) (K.R.S., J.)
06.01.2025

cad

5/6



WEB COPY

W.P. No.33607 of 2



M. SUNDAR, J.

and

K. RAJASEKAR, J.

cad

To:

1. The District Collector
Office of the District Collector
Palayam Road
Tiruppur City
Tiruppur district
2. The Revenue Divisional Officer
Dharapuram
Tiruppur District
3. The Revenue Tahsildar
Office of the Tahsildar
Pollachi Road
Dharapuram Taluk
Tiruppur District
4. The Junior Engineer
PAP Irrigation Office
Chencherryputhur
Sullur Taluk
Coimbatore District

W.P. No.33607 of 2024

06.01.2025