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W.P.No.12813 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MRS.JUSTICE **K.GOVINDARAJAN THILAKAVADI**

W.P.No.12813 of 2025
and
W.M.P. No.14359 of 2025 in W.P. No.12813 of 2025

Krishnan

... Petitioner

Vs.

1.The District Collector,
O/o.The Collector at Collectorate,
Dharmapuri – 636 705.

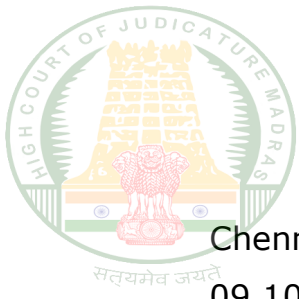
2.The Tahsildar,
Palacode Taluk,
Dharmapuri – 636 808.

3.The Revenue Inspector,
Maarandahalli Village,
Palacode Taluk,
Dharmapuri District – 636 806.

... Respondents

Writ Petition filed under Article 226 of The Constitution of India
praying to issue a Writ of Certiorari to call for the records pertaining to
the impugned order, being a notice, bearing no.Nil titled as Notice
issued under Section 7 of the Land Encroachment Act 1905 (Act III

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Chennai), signed and issued by the third respondent herein on 09.10.2024 to quash the same.

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For Petitioner : Mr.R.Selvakumar

For Respondents : Mr.M.S.Arasakumar,
Government Advocate

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 certiorari qua 'notice signed on 09.10.2024 by R3 (Revenue Inspector, Maarandahalli Village, Palacode Taluk, Dharmapuri District – 636 806)' [hereinafter 'impugned notice' for the sake of convenience and clarity].

2. Mr.R.Selvakumar, learned counsel on record for writ petitioner submits that impugned notice pertains to 'Survey No.244/3 in Periyanoor Village, Palacode Taluk, Dharmapuri District' (hereinafter 'said land' for the sake of convenience and clarity) but a suit in O.S.No.187 of 2024 on the file of Subordinate Judge's Court, Palacode filed by the writ petitioner (along with one Sadhasivam) inter-alia seeking declaration of title qua said land is pending. Learned counsel pointed out that R2 and R1 are D6 and D7 respectively in the suit.

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3. Issue notice.

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4. Mr.M.S.Arasakumar, learned Government Advocate who accepts notice for all three respondents submits that steps are being taken to defend and even seek rejection of plaint qua suit by R1 and R2.

5. Be that as it may, in response to the impugned notice, the writ petitioner has sent a reply dated 17.10.2024 and we find that there is no mention about the suit in this reply. Therefore, we deem it appropriate to write that writ petitioner is now permitted to send an additional reply to the impugned notice highlighting the pendency of the suit. Learned counsel for writ petitioner submits that such a additional reply will be sent by the writ petitioner within three weeks from today i.e., on or before 30.04.2025.

6. This additional reply shall also be considered and a suitable order shall be made by R2 under Section 6 of 'The Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity}.

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7. In the interregnum, we make it clear that all the rights and contentions of all the parties to the suit viz., plaintiffs (to be noted, writ petitioner is the first plaintiff) D1 to D4/private defendants and D5 to D7/official defendants. To put it differently, suit shall proceed on its own merits and in accordance with law untrammelled by this order.

8. It is made clear that the date of presentation of the aforementioned suit is 27.08.2024 and the impugned notice of R3 is dated 09.10.2024 i.e., post presentation of suit. This has weighed in our mind in making this order and therefore this order will not serve as a precedent in all matters assailing notices akin to the impugned notice.

9. Though obvious, we deem it appropriate to write that coercive action (if any and if that be so) can be only subject to and depending on the orders to be made under Section 6 of said 1905 Act.

10. If the order under Section 6 of said 1905 Act is adverse to the writ petitioner, the same shall be kept in abeyance for thirty days

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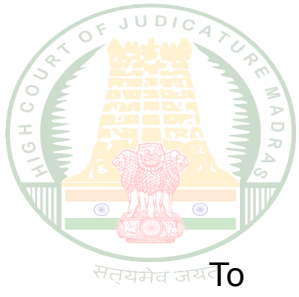
from the date of service of the same on the writ petitioner so as to enable the writ petitioner to prefer a statutory appeal to R1 under Section 10 of said 1905 Act. If order under Section 6 of said 1905 Act to be made by R1 is in favour of the writ petitioner, it will obviously be curtains on the matter.

11. Captioned WP is disposed of in the aforesaid manner. As we have made it clear that coercive action (if any and if that be so) shall be subject to orders under Section 6 of said 1905 Act subject of course the same being kept in abeyance if adverse to the writ petitioner, captioned Writ Miscellaneous Petition (WMP) has become otiose and the same is disposed of as closed. There shall be no order as to costs.

(M.S.,J.) (K.G.T.,J.)
09.04.2025

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Neutral Citation : Yes / No
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Dharmapuri – 636 808.
 - 3.The Revenue Inspector,
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Dharmapuri District – 636 806.



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**M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,**

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