



W.P.No.1814 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2025

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.1814 of 2025

and

W.M.P.No.2061 of 2025

A.Sadhasivam
S/o.Ayyanthurai

... Petitioner

Vs.

1. The District Collector
Salem District
Salem - 1.
2. The Sub-Collector
Mettur Revenue Division
Mettur Dam - 1
Salem District.
3. The Tahsildar
Mettur Taluk
Mettur Dam - 1
Salem District.
4. The Block Development Officer
Village Panchayat
Mecheri Panchayat Union

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Mecheri - 636 453
Salem District.

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5. The President
Malikundam Village Panchayat
Mallikundam - 636 458
Mecheri Panchayat Union
Salem District.
6. Govindaraj
S/o.Kanupiyan
7. Mani
S/o.Ponnan
8. Ayyathurai
S/o.Marimuthu

... Respondents

Prayer :

Writ Petitions filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to consider the representation dated 05.11.2024 submitted by the petitioner and take action to remove the encroachments made by the respondents 6 to 8.

For Petitioner	:	Mr.K.Srinivasa Murthy M/s.Row and Reddy (Law Firm)
For Respondents	:	Mr.M.S.Arasakumar Government Advocate, for R1 to R3 Mr.T.K.Saravanan Government Advocate, for R4 & R5



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ORDER

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

In the captioned main 'Writ Petition' {hereinafter 'WP' for the sake of brevity}, writ petitioner is concerned for 'land comprised in S.No.614/1 in Mallikundam Village, Mettur Taluk, Salem District' {hereinafter 'said land' for the sake of brevity and clarity}.

2. It is a case of writ petitioner that R6 to R8 (private respondents) have caused encroachment qua said land and that there is inaction notwithstanding representation dated 05.11.2024 and that has necessitated the filing of captioned WP.

3. Issue notice to official respondents.

4. Mr.M.S.Arasa Kumar, learned Government Advocate, accepts notice for R1 to R3. Mr.T.K.Saravanan, learned Government Advocate, accepts notice for R4 and R5.

5. Learned State Counsel, submits that survey has been conducted, some encroachments have been found and that action will now be taken under 'the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity}. This submission

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is recorded. Learned State Counsel also submits that a suit in O.S.No.1 of 2025 on the file of the District Munsif Court, Mettur has been filed. We ferreted out details of Court from the official E-Courts website. As we find that in the suit, plaintiffs are Kannupaiyan, Govindaraj and Gnanasekaran, all four defendants are officials, we find that the first plaintiff is father of R6, second plaintiff is R6 and one Gnanasekaran is third plaintiff, we leave it open to resort to Section 14 (Bar of jurisdiction) when proceedings under said 1905 Act kick in.

6. Learned State Counsel submits that action will be commenced under said 1905 Act and the same shall be concluded as expeditiously as the business of official respondents would permit but in any event, within 12 weeks from today i.e., on or before 21.04.2025. This submission is recorded.

7. It is made clear that all rights and contentions of R6 to R8 (private respondents) will be preserved when they are show-caused under said 1905 Act. Therefore, we take up the main WP with the consent of learned counsel on both sides in the Admission Board.

8. In the light of the narrative thus far, we deem it appropriate to



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dispose of the captioned main WP recording the stated position of learned State Counsel.

Captioned main WP disposed of in the aforesaid manner. Consequently, captioned Writ Miscellaneous Petition thereat disposed of as closed. There shall be no order as to costs.

(M.S.,J.)

(K.R.S.,J.)

27.01.2025

Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order

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P.S. I: *Upload forthwith*

P.S.II : *All concerned to act forthwith on the uploaded soft copy of this proceedings as uploaded in the official website of this Court. To be noted, the soft copies uploaded in the official website of this Court are water marked, besides being QR Coded.*

P.S.III : *Though captioned WP is disposed of, Registry to list the captioned WP under the cause list caption 'FOR REPORTING COMPLIANCE' on 09.06.2025.*

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

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