



WEB COPY



W.P.No.36551 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2025

CORAM:

THE HONOURABLE Mr. JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE Mr. JUSTICE HEMANT CHANDANGOUDAR

W.P.No.36651 of 2025
and WMP.Nos.40973 and 40974 of 2025

Arangatahan,
S/o.Munusamy

...Petitioner

Vs.

1. The District Collector/Inspector Panchath,
Thiruvannamalai District,
Thiruvannamalai.
2. The President/The Block Development Officer,
Karanthai, Vembakkam, Taluk,
Thiruvannamalai District.
3. The Tahsildar,
Vembakkam,
Vembakkam Taluk,
Thiruvannamalai District.
4. The Village Administrative Officer,
Karanthai Village,
Vembakkam Taluk,
Thiruvannamalai District.
5. Kamalakanan

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to
issue a Writ of Certiorari Mandamus, calling for the records pertaining to



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the impugned order undated passed by the 2nd respondent herein and quash the same and consequently for bearing the respondents, herein from in anyway interfering with my peaceful possession and enjoyment of lands measuring about 1.70 Are in S.F.No.218/1 old (S.F.No.405/14), situated at Karanthai Village, Vankambakkam Taluk, Thiruvannamalai District.

For Petitioner : Mr.K.Sudhakar
For Respondent : Ms.M.Jayanthi,
Additional Government Pleader
[R1, R3 and R4]
Mr.G.Prassanna
Government Advocate [R2]

ORDER

(Order of the Court was made by R. SURESH KUMAR, J.)

The prayer sought for herein is for a Writ of Certiorarified Mandamus, to quash the undated impugned order passed by the 2nd respondent herein and consequently forbearing the respondents herein from in anyway interfering with his peaceful possession and enjoyment of lands measuring about 1.70 Are in S.F.No.218/1 old (S.F.No.405/14), situated at Karanthai Village, Vankambakkam Taluk, Thiruvannamalai District.



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2. In respect of property in S.F.No.218/1 situated at Karanthai

Village, Vankambakkam Taluk, Tiruvannamalai District, it is the claim of the petitioner that, it is his patta land to the extent of 1.70 acres and in this regard, the patta No.223 issued in the name of the petitioner and other family members has been produced before this Court.

3. However, initially action was initiated by the local authorities under the Land Encroachment Act as if that the petitioner encroached part of the property in the said survey number as it belongs to the Government as Government poromboke or theru poromboke. Subsequently, now the focus is shifted to the Revenue Department as they intend to initiate action under the Land Acquisition Act, 1905 against the petitioner and Section 7 notice has also been issued under the said Act, therefore, at this juncture, the petitioner has moved the present writ petition.

4. Heard Mr.K.Sudhakar, learned counsel appearing for the petitioner, Ms.M.Jayanthi, learned Additional Government Pleader appearing for the first, third and fourth respondents and Mr. G.Prassanna, learned Government Advocate appearing for the second respondent. In view of the order that is going to be passed in this writ petition, notice to the fifth respondent is hereby dispensed with.



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5. It is the definite case on the part of the petitioner that patta has been issued in respect of survey No.218/1 as a ryotwari patta only for 1.70 acres and beyond which, in the said survey number if any land is available he is not concerned with the same, therefore, if at all any other land in the very same survey number i.e., 218/1 beyond the 1.70 acres are available, which is encroached upon either by the petitioner or any third parties, action can very well be initiated by the third respondent Thasildar by invoking the provisions of the Land Encroachment Act.

6. The learned Government Pleader also would submit that beyond the patta land still some Government land is available, which is now encroached by either the petitioner or some third parties, therefore, in this regard, a survey would be conducted by the third respondent Thasildar in the presence of the petitioner, fifth respondent as well as any other interested party and thereafter, the actual land belonging to the petitioner as per patta would be identified and the remaining land will be taken free from any encumbrance by taking action under the provisions of the Land Encroachment Act to remove such encroachment. If any such encroachment is still found either by the petitioner or any third parties, this exercise would be undertaken within a time frame stipulated by this Court.



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7. Recording the said submission made by the learned counsel appearing for the parties, this Court is inclined to dispose of this writ petition with the following orders:

That there shall be a direction to the third respondent to conduct a survey of the land in question and accordingly, the 1.70 acres of land as per patta No.223 standing in the name of the petitioner and other family members can be identified and beyond the 1.70 acres in the said survey number if any land is available, which is in the encroachment of either the petitioner or any third parties, it is open to the third respondent to take immediate action to remove such encroachment by invoking the provision of Act 3 of 1905. This exercise shall be undertaken by the third respondent within a period of two months from the date of receipt of a copy of this order.

With these directions, this writ petition is disposed of. No costs.
Connected miscellaneous petitions are closed.

(R.S.K., J.) (H.C., J.)
13.11.2025

mp

Index : Yes/No
Neutral Citation: Yes/No



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