



WEB COPY



WP No. 36092 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-12-2025

CORAM

**THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN**

**WP No. 36092 of 2025
and
WMP.No.40339 of 2025**

P.Selvarasu
S/o.Late.Periyasamy
4-102, Panankadu, Rasipuram Taluk,
Thottiyavalasu Post, Rasipuram,
Thottiyavalasu, Namakkal District.

Petitioner(s)

Vs

1. The Tahsildar
Rasipuram Taluk,
Namakkal District.
- 2.The Block Development Officer
(Village Panchayat)
Vennandur Block,
Namakkal District-637 505.
- 3.The Village Administrative Officer
Vennandur,
Namakkal District-637 505.
- 4.The Special Officer
Panchayat Office,
Thottilaga Panchayat,
Vannanthur Union, Namakkal



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District.

5.J.Raja
S/o.Jalandarraja
No.3/81, Vannadhurai Kaadu
Panankaadu,
Athanur Vazhi Thottivalasu
Rasipuram, Namakkal-636 301
(R5 impleaded vide order dated
08.12.2025 made in
WMP.No.45646/2025)

Respondent(s)

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the respondents not to evict the petitioner from the land in Survey No.96/3, an extent of 0.61.5 hec., at panangadu Thottilagam, Keeranoor Village, Rasipuram Taluk without following the procedure under Land Encroachment Act 1905.

For Petitioner(s): Mr.M.Elango

For Respondent(s): Mr.M.S.Premkumar
Govt. Advocate for R1 & R3
Mr.E.P.Senniyangiri
Govt. Advocate for R2 & R4
Mr.T.Muruganandam
for Mr.S.Varanesh for R5



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ORDER

(Order of the Court was made by ***S.M.Subramaniam J.***)

Writ of Mandamus has been instituted to direct the respondent not to evict the petitioner from the land in Survey No.96/3, an extent of 0.61.5 hectares at Panangadu Thottilagam, Keeranoor Village, Rasipuram Taluk without following the procedure under Land Encroachment Act, 1905.

2.Negative relief as such sought for in the present writ petition is not entertainable. No cause has arisen, since the enforcement actions have not concluded. However, the learned counsel for the petitioner would submit that it is suffice if a direction issued to the respondents to follow the procedures. It is needless to state that the eviction proceedings sought to be initiated by following the procedures, as contemplated under the relevant provisions of the Act.

3.The learned counsel for the respondents would submit that the petitioner himself has given a letter stating that he will voluntarily vacate the public premises. In the event of refusal, the Authorities are bound to follow the procedures.



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4. With the above clarification, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected WMP is also closed.

(S.M.SUBRAMANIAM J.)(C.KUMARAPPAN J.)
08-12-2025

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Index: Yes

Speaking/Non-speaking order

Neutral Citation: Yes/No

To

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