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W.P.No.36885 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2025

CORAM

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR**

**W.P.No.36885 of 2025
and
W.M.P.Nos.41250 & 41252 of 2025**

V.Ramanathan

... Petitioner

-Vs-

1. The District Collector,
Dharmapuri District,
Dharmapuri.
2. The District Revenue Officer,
Dharmapuri District,
Dharmapuri.
3. The Tahsildar,
Karimangalam Taluk,
Dharmapuri District.
4. The Project Director,
National Highway Authority,
Salem.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned Form-III notice dated 23.08.2025 in Ref. nil issued by the third respondent and quash the same and consequently direct the respondents to consider the petitioner's representation dated 11.09.2025.



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For Petitioner : Mr.R.Venkatesan
For Respondents : Mr.A.Selvendran
Special Government Pleader for R1 to R3
Mr.Su.Srinivasan
Senior Central Govt. Standing Counsel

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 call for the records relating to the impugned Form-III notice dated 23.08.2025 in Ref.No.nil issued by the third respondent and quash the same and consequently direct the respondents to consider the petitioner's representation dated 11.09.2025.

2. The dispute is in the land at Survey No.8/1 at Baishuhalli Village, Dharmapuri District to an extent of 0.03.24 hectares where the petitioner already put up a compound wall and has been enjoying the property as if it is a private property.



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3. But it is the case of the Revenue Department that, it is the land belonging to the Government and a part of the land has already been taken over for the purpose of National Highways and the remaining land has been encroached upon where he has put up the compound wall, therefore, in order to remove such encroachment, the proceedings was initiated under the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905) hereinafter referred to as 'the Act' where Section 7 notice was issued followed by Section 6 order which is impugned herein dated 23.08.2025.

4. But the stand of the petitioner according to the learned counsel is that, he has not entered upon any land belonging to the respondent Revenue Department or Government and in this regard, no survey since has been conducted, this issue even though was brought to the notice by giving a reply to Section 7 notice, the same has not been considered and again they reiterated the stand by issuing Section 6 order which is impugned herein, therefore, instead of going before the District Collector / Appellate Authority under Section 10 of the Act, he has approached this Court by filing the present writ petition.

5. We have heard the learned counsel appearing for both sides and have perused the materials placed before this Court.



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6. Insofar as the dispute as to whether 0.03.24 hectares at Survey No.8/1 at Baishuhalli Village, Dharmapuri District belongs to the Government or belongs to the petitioner is concerned, it has to be verified and in this context, if there has been any encroachment that can be found out only by conducting survey for which the petitioner can make a request by paying necessary fee and on payment of such fee, immediately within two weeks, the third respondent with the help of Taluk or Firka Surveyor shall measure the property in the presence of the petitioner by giving an advance notice to him and verify whether there has been any encroachment as alleged in the impugned order and if so, Section 6 notice which is impugned herein can be acted upon. If the area of encroachment is found, the action can be initiated and if there has been no encroachment as claimed by the petitioner, the proceedings can be dropped. Either of this action can be taken by the third respondent Tahsildar only after conducting the survey as indicated above which shall be completed within a period of one month after receipt of the fee from the petitioner. Till such time, the impugned order shall be kept in abeyance.



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7. With these directions, this Writ Petition is disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(R.S.K., J.) (H.C., J.)
16.10.2025

NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji

To

1. The District Collector,
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Dharmapuri.
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