



WEB COPY



W.P.No.42465 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2025

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MRS.JUSTICE GOVINDARAJAN THILAKAVADI

W.P.No.42465 of 2025

K.Swaminathan

.. Petitioner

Vs.

1. The District Collector
Collectorate, Palladam Road
Tiruppur, Tiruppur District.
2. The Revenue Divisional Officer
Dharapuram, Tiruppur District.
3. The Revenue Tahsildar
Kangayam Taluk, Tiruppur District.
4. E.Yuvaraj
5. M.Natarajan
6. S.Natarajan
7. R.Rajamani
8. K.Iswaramoorthy

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, seeking a writ of mandamus, directing the respondents 1 to 3 to take action against the respondents 4 to 8 either under RSO 26(15) or Sections 152 and 164 of the BNSS to clear the obstructions made in Nilaviyal Pathai in R.S.No.351/3, Patta No.2015, Kadaiyur Village, Kangayam Taluk, Tiruppur District by considering the petitioner's representation dated 23.09.2025.

For the Petitioner : Mr.N.Manoharan

For the Respondents : Ms.M.Jayanthi
Additional Government Pleader
for R1 to R3



W.P.No.42465 of 2025

ORDER

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

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Prayer sought herein is for a writ of mandamus, to direct respondents 1 to 3 to take action against respondents 4 to 8, either under RSO 26(15) or Sections 152 and 164 of the BNSS, to clear the obstructions made in Nilaviyal Pathai in R.S.No.351/3, Patta No.2015, Kadaiyur Village, Kangeyam Taluk, Tiruppur District by considering the petitioner's representation dated 23.09.2025.

2. Though such prayer has been sought by the petitioner, *Mr.N.Manoharan*, learned counsel for the petitioner would submit that, if there is encroachment which has been made by the private respondents, specific action under law could be taken by the official respondents, that is the Revenue Tahsildar/third respondent herein. To that extent, if a direction is given, the petitioner would be satisfied, he contended.

3. Heard *Ms.M.Jayanthi*, learned Additional Government Pleader appearing for respondents 1 to 3, who would submit that, based on the written instructions given by the third respondent dated 27.11.2025, with regard to the said land in question, there has been encroachments on the part of the private respondents and therefore, necessary action would be taken against them by



W.P.No.42465 of 2025

invoking the provisions of the Tamil Nadu Land Encroachment Act, 1905.

4. In view of the order that is going to be passed in this writ petition, notice to the private respondents, that is respondents 4 to 8 is hereby dispensed with.

5. As the learned Additional Government Pleader appearing for respondents 1 to 3 has taken a stand that the encroachments would be removed after issuing necessary notice by invoking the provisions of the Tamil Nadu Land Encroachment Act, 1905, we are inclined to dispose of this writ petition with the following orders:-

(i) That there shall be a direction to the third respondent to issue notice to the private respondents as well as the petitioner stating the alleged encroachments made by them and after issuance of such show-cause notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, further necessary action could be taken to remove such encroachments and the needful shall be undertaken within a period of two months from the date of receipt of a copy of this order.



W.P.No.42465 of 2025

WEB COPY

6. With these directions, the writ petition is disposed of.

However, there shall be no order as to costs. Consequently,
W.M.P.No.47511 of 2025 is closed.

(R.S.K., J.) (K.G.T., J.)
28.11.2025

Speaking Order/Non-Speaking Order
Neutral Citation:Yes/No
Internet:Yes/No
Index:Yes/No

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W.P.No.42465 of 2025

To:

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R. SURESH KUMAR, J.
AND
K. GOVINDARAJAN THILAKAVADI, J.
(*drm*)

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