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*W.P. No.32913 of 2025
and W.M.P.No.36897 of 2025*

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and
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M.SUNDAR, J.
and
HEMANT CHANDANGOUDAR, J.

(Order of the Court was made by M.SUNDAR, J.)

Subject matter of captioned 'Writ Petition' (hereinafter 'WP' for the sake of brevity) is 'lands admeasuring 1.21 acres or thereabouts in Re-Survey No.135/1 (Re Survey No.135/1C2C), Old Survey No.77A, 78, 79, 89 and 81 of Vadamugam Kangeyampalayam Village, Uthukuli Taluk, Tiruppur District' (hereinafter 'said lands' for the sake of convenience and clarity).

2. One 'Kalaimagal Sabha' (hereinafter 'said Sabha' for the sake of convenience and clarity) which has been registered as a joint stock company under 'The Tamil Nadu Societies Registration Act, 1975' (hereinafter 'said Act' for the sake of convenience and clarity) purchased said lands under a sale deed dated 30.10.1994 but said lands are subject matter of a 'partition suit being O.S.No.133 of 2018 on the file of Subordinate Judge's Court,



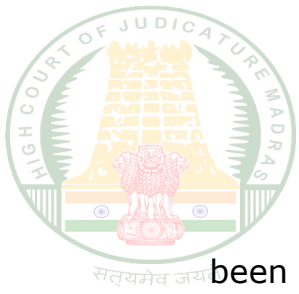
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Avinashi' (hereinafter 'said partition suit' for the sake of convenience and clarity) in which the writ petitioner and said Sabha are parties. Ms.A.L.Ganthimathi, learned senior counsel appearing for counsel on record for writ petitioner submits that the said partition suit is one as between co-parceners and co-owners. It is submitted that said lands originally belonged to one Krishnasamy Reddiyar (writ petitioner's grandfather), thereafter, there was a settlement, division of properties amongst co-parceners ran into rough weather resulting in said partition suit.

3. In the interregnum, affairs of said Sabha also ran into rough weather (mismanagement of financial affairs) resulting in W.P.No.43653 of 2006 in which the Inspector General of Registration, Tamil Nadu was appointed as Special Officer qua said Sabha. One of the private respondents in this writ petition filed an intra-court appeal in W.A.No.472 of 2024 and another Hon'ble Division Bench is in seizin of the matter as a specially ordered case.

4. In and vide proceedings dated 22.08.2025 in W.A.No.472 of 2024, other Hon'ble Division Bench directed the Special Officer of said Sabha to submit two consolidated statements of properties of said Sabha, one containing properties which have



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been encroached upon and another containing a list of properties which are free from encroachment. Pursuant to such consolidated statements being requisitioned by the other Hon'ble Division Bench, R2/jurisdictional District Revenue Officer i.e., District Revenue Officer, Tiruppur has made 'proceedings dated 08.08.2025 bearing reference Na.Ka.11605/2024/J1' (hereinafter 'impugned proceedings' for the sake of convenience and clarity). To be noted, addressees qua impugned proceedings is jurisdictional Revenue Divisional Officer (Revenue Divisional Officers of Tiruppur, Dharapuram and Udumalpet) and copies have been marked to Revenue Tahsildars of various Taluks viz., Palladam, Uthukuli, Dharapuram, Madathukulam and Udumalpet. In and vide impugned proceedings, besides directing survey of properties which stand in the name of said Sabha, R2 has straight away directed that encroachments shall also be removed. Learned senior counsel submits that only consolidated statements have been requisitioned, said lands are not under encroachment and on a demurrer, even said lands are under encroachment, there cannot be removal of encroachment dehors due process of law.

5. Issue notice to official respondents/R1 to R3 and R4.



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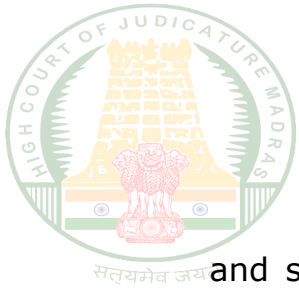
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6. Mr.A.Selvendran, learned Special Government Pleader accepts notice for R1 to R3. Mr.B.Vijay, learned counsel accepts notice for R4.

7. Notice to private respondents/R5 to R7 shall be considered later as we would be directing the Registry to place this matter before Hon'ble Chief Justice and seek orders about which there will be allusion infra.

8. As regards the immediate anxiety and concern of the writ petitioner, learned State counsel very fairly submits that removal of alleged encroachment if any and if that be so will be only by resorting to due process of law which in effect means the writ petitioner and/or alleged encroachers will be show caused and given an opportunity. This douses the immediate anxiety of the writ petitioner. If show caused, all rights and contentions of writ petitioner are left open for responding suitably.

9. Registry to place this case file, case file in W.A. No.472 of 2024 along with instant proceedings before Hon'ble Chief Justice



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and seek suitable orders regarding tagging (tagging captioned WP
and aforereferred WA No.472 of 2024) and listing.

10. Registry to list as per orders of Hon'ble Chief Justice.

[M.S., J.] [H.C., J.]
29.08.2025

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29.08.2025