



W.P.No.23243 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.23243 of 2025

and

W.M.P. No.26102 of 2025 in W.P.No.23243 of 2025

- 1.T.D.Lazer
- 2.Ms.Vandana
- 3.A.Nirmala
- 4.T.D.Baskar
- 5.J.Mery Mekadalin
- 6.Lisiya Margired
- 7.M.Merry Victoriya
- 8.R.Rajasekar

... Petitioners

Vs.

- 1.The State of Tamil Nadu
rep. By the Principal Secretary to Government,
Revenue and Disaster Management Department,
Secretariat, Chennai – 600 009.
- 2.The Commissioner for Revenue Administration,
Revenue and Disaster Management Department,
Chepauk, Chennai – 600 005.
- 3.The District Collector,
Tiruvallur District, Tiruvallur.
- 4.The Revenue Divisional Officer,
Avadi Taluk,
Tiruvallur Revenue Division,
Tiruvallur District.

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5.The Tahsildar,
Avadi, Tiruvallur District.

6.The Revenue Inspector,
Thirunindravur Firka,
Avadi Taluk, Tiruvallur District.

7.The Village Administrative Officer,
No.3, Thirunindravur & Agragrammel,
Avadi Taluk, Tiruvallur District.

.. Respondents

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for records in respect of the notice dated 10.06.2025 in Na.Ka.2959/2025/A1 issued by the fifth respondent and quash the same and consequentially direct the fifth respondent to issue free pattas to the petitioners as per the Government Order.

For Petitioners : Mr.R.Jayaprakash
for Mr.K.Suthan

For Respondents : Mr.T.K.Saravanan,
Additional Government Pleader

ORDER

[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 comprised in 'Survey Nos.28 and 31 in

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No.4, Agragrammel Village, Avadi Taluk, Tiruvallur District' (hereinafter 'said lands' for the sake of convenience and clarity) and alleged encroachment qua said lands by the eight writ petitioners.

2. Prayer in the captioned WP is for issue of a writ of certiorarified mandamus. In and vide certiorari limb, a 'notice signed on 10.06.2025 by R5 [Tahsildar, Avadi, Tiruvallur District] bearing reference Na.Ka.2959/2025/A1' (hereinafter 'impugned notice/order' for the sake of convenience and clarity) has been assailed. To be noted, impugned notice/order is under Section 6 of 'The Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity} and the noticee/addressee is Writ Petitioner No.1 [Mr.T.D.Lazer, S/o.Mr.Thomas David].

3. Mr.R.Jayaprakash, learned counsel representing Mr.K.Suthan, learned counsel on record for writ petitioners submits that impugned notice/order was preceded by a notice under Section 7 of said 1905 Act being notice dated 08.05.2025 bearing reference உ.மு.எண்.142/2025 issued by R6 [Revenue Inspector, Thirunindravur



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Firka, Avadi Taluk, Tiruvallur District]. In this Section 7 notice also, the noticee is Writ Petitioner No.1 alone.

4. Though Section 7 notice has been issued and based on response of Writ Petitioner No.1, impugned notice/order has been made, writ petitioners 2 to 8 have also been put under pain of dispossession/demolition is learned counsel's say.

5. Issue notice.

6. Mr.T.K.Saravanan, learned Additional Government Pleader accepts notice for all seven respondents.

7. Learned State counsel submits on instructions that as regards writ petitioners 2 to 8 [Ms.Vandana, D/o.Mr.Subbu, Ms.A.Nirmala, W/o.Mr.Arivazhagan, Mr.T.D.Baskar, S/o.Mr.Thomas David, Ms.J.Mery Mekadalin, W/o.Mr.Jabez Prasanna, Ms.Lisiya Margired, W/o.Mr.Gopinath, Ms.M.Merry Victoriya, W/o.Mr.Martin and Mr.R.Rajasekar, S/o.Mr.Ravi], notices under Section 7 of said 1905 Act will be issued and the same is in the anvil. This submission is recorded. Learned State counsel also submits that Section 7 notices will be sent

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to the addresses of writ petitioners 2 to 8 as given in the cause title of the WP and learned counsel for writ petitioners submits that this would be treated as adequate service. Learned State counsel also adds that post issue of Section 7 notices to writ petitioners 2 to 8, proceedings under said 1905 Act will be continued on its own merits and in accordance with law. This means that writ petitioners 2 to 8 will get an opportunity and their dispossession/demolition (if that be so) will not be de hors due process of law.

8. As regards Writ Petitioner No.1 [Mr.T.D.Lazer, S/o.Mr.Thomas David], as the impugned notice/order is an appealable order (a statutory appeal under Section 10 of said 1905 Act to R3 is available), we are of the considered view that Writ Petitioner No.1 should be relegated to alternate remedy. The reasons are as follows:

(a) Alternate remedy is effective and efficacious;

(b) This court has repeatedly held that said 1905 Act is a self contained Code. In this regard, before proceeding further, it is deemed appropriate to write that this Court, in order dated 29.04.2025 in W.P.Nos.8355 and 8357 of 2022 and W.M.P. Nos.8324 and 8237 of 2022 thereat reported in Neutral Citation **[2025:MHC:1162]**, respectfully



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adverting to the **G** principle i.e., **G** **Maharashtra** reported in **(2011) 3 SCC 1**, held that said 1905 Act is a self contained Code. To be noted, **G** principle is one where Hon'ble Supreme Court declared the law as regards what would be a self contained Code. It was held that a statute, which is a complete legislation with regard to the purpose for which it is enacted and provides for complete machinery to deal with purposes sought to be achieved by the statute with dependence on other legislations being absent or at best minimal, is a self contained Code;

(c) In this context, as regards said 1905 Act, *inter alia*, there is a provision to have the alleged encroacher show caused under Section 7 of said 1905 Act followed by an order (considering the cause shown). The order under Section 6 is appealable under Section 10 [District Collector is the appellate authority] and there is a provision for further revision to the Government under Section 10-A of said 1905 Act. Pending appeal / revision, there is a provision for making interim prayer *vide* Section 10-B of said 1905 Act. Such a three-tier machinery has been put



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in place to check unauthorised occupation of lands which are the properties of the Government by imposition of penal or prohibitory assessment or charge, after giving adequate and ample opportunity to a person who is alleged to be in occupation of public roads, streets, lanes and paths, bridges, ditches, dikes and fences, rivers, streams, nalas, lakes, tanks and such other properties of Government. Suffice to say that said 1905 Act is clearly a self-contained Code.

9. When writ petitioners prefer appeal qua impugned notice/order, it will be open to the writ petitioners to seek exclusion of time spent in the captioned WP as regards limitation by resorting to Section 14 of The Limitation Act, 1963, otherwise the appeal should be subjected to limitation. It is open to the writ petitioners to take out a stay petition under Section 10-B of said 1905 Act. The appeal and the stay petition shall be dealt with by R3 on its own merits and in accordance with law untrammelled by this order.

10. In the light of the narrative, discussion and dispositive reasoning set out supra, captioned main WP is taken up in the

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Admission Board with the consent of learned counsel on both sides. We do so and we give a closure to the captioned main WP recording the stated position of learned State counsel (as recorded supra) and relegate Writ Petitioner No.1 to alternate remedy. As regards the mandamus limb of the prayer, learned State counsel submits that writ petitioners' request for patta qua said lands has been rejected. We make it clear that it is open to the writ petitioners to seek remedies available to them as regards such rejection.

11. Captioned WP is disposed of in the aforesaid manner. Coercive action (if any and if that be so) will be subject to due process of law as regards writ petitioners 2 to 8 and as regards Writ Petitioner No.1, it is for him to work out the remedies in the statutory appeal. This makes the captioned Writ Miscellaneous Petition (WMP) otiose and the same is disposed of as closed. There shall be no order as to costs.

(M.S.,J.) (H.C.,J.)
27.06.2025

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