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IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 22-01-2026
CORAM
THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE C.KUMARAPPAN

WP No. 19911 of 2021
and
WMP No. 21158 of 2021 & WMP No. 21161 of 2021

K.Shakila,
W/o. N. Thangaraja, No. 3/153, K. K. Nagar,
Santhoshapuram, Chennai - 600 073.

..Petitioner(s)

Vs

1. The Principal Secretary to GovernmentRevenue and Disaster Management Department, Government of Tamil nadu, Secretariat,Chennai - 600 009.
2. The Commissioner of land AdministrationEzhilagam, Chepauk, Chennai - 600 005.
3. The District CollectorOffice of the Collectorate of Chengalpattu, Chengalpattu, Chengalpattu District.
4. The Revenue Divisional Officer,Office of the Revenue Divisional Officer, Tambaram, Chennai - 600 050.
5. The TahsildarTambaram Taluk Office, (Old Taluk - Sholinganallur Taluk Office), Tambaram, Chennai - 600 045.

..Respondent(s)

To issue a writ of Certiorarified Mandamus to call for the records relating to the issuance of the G. O. Ms. No. 500 dated 04.08.2021 passed by the 1st respondent herein and quash the same and consequently direct the respondents to issue a Regular patta, in the name of the petitioner and forbear the 3rd and 5th respondent from interfering with the peaceful possession and enjoyment of the property of the petitioner, having an extent of 2.5 cents in S. No. 78/1 A D. No. 2/153 Vengaivasal main Road, Vegaivasal Village,

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Tambaram Taluk,

WP No. 19911 of 2021

For Petitioner(s): M/s. S.Kadarkarai

For Respondent(s): Mr. T.Arunkumar, Addl.G.P.

Order

(Order of the Court was made by C.Kumarappan J.)

The present writ petition has been filed assailing the order of the 1st respondent issued under Section 10(A)(1)(c) of the Tamil Nadu Encroachment Act.

2. Learned counsel for the petitioner would vehemently submit that the Government had issued an assignment in respect of the subject land, vide assignment dated 20.02.1995, and not taking into consideration of the assignment, the Tahsildar had issued eviction notice. Aggrieved by the same, the petitioner preferred an Appeal before the Collector, in which, the Collector has passed an order on 20.04.2021, confirming the eviction order.

3. Learned counsel for the petitioner would submit that though the subject land is a Meikal promboke, since the Government has already assigned the land in favour of the petitioner, any eviction notice is contrary to law.

4. On perusing the records, the Collector had rejected the submissions made by the petitioner and confirmed the eviction. Aggrieved by the same, the

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petitioner preferred a revision before the 1st respondent and the 1st respondent, while rejecting the revision, has arrived at a conclusion that the subject land is Meilkal promboke and the assignment pleaded by the petitioner is based on a fabricated document and the genuinity of the same was doubted. The revisional authority upon such factual finding rejected the petitioner's claim.

5. The main contention putforth by the learned counsel for the petitioner is that before arriving at a conclusion that the assignment order is a fabricated one, the authority ought to have issued notice to the petitioner.

6. We are not in a position to agree with the above submission, as the authority who holds the original record, on comparison with the original and on based on the report of the Tahsildar, had arrived at such a conclusion, while deciding the statutory revision. Therefore, at that point of time, issuing of notice to the petitioner does not arise.

7. Apart from that, if at all the petitioner is of the view that the assignment is genuine one, his remedy is available only before the Civil Court. So also, this Court could not find any infirmity in the order of the revisional authority as the original assignee has also violated the assignment conditions by executing a settlement deed in favour of the petitioner during 2009. According to the alleged assignment conditions, the assignee should not

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transfer the land or encumber the same without the consent of the Government. In this case, while the predecessor in title of the settlor executed the settlement deed, there is no reference in respect of such concurrence by the Government. Therefore, this Court, absolutely does not find any infirmity in the order passed by the revisional authority. Hence, we find no merit in the present writ petition.

8. In the result, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S.,J.) (C.K.,J.)
22-01-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

VSI

To

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S.M.SUBRAMANIAM J.
AND
C.KUMARAPPAN J.

VSI

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