

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-07-2026

CORAM

THE HON'BLE DR JUSTICE G. JAYACHANDRAN

AND

THE HON'BLE MRS.JUSTICE N. MALA

WP No. 27362 of 2026

AND

WMP NO. 29983 OF 2026, WMP NO. 29984 OF 2026, WMP NO. 29986 OF 2026

K.Thanigasalam
W/o.Kumaresan,
4/37, Bajanai Koil Street,
Goparasanallur Village,
kattupakkam Poonamalle Taluk,
Tiruvallur District-600 056

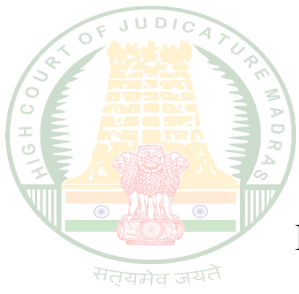
..Petitioner(s)

Vs

1. The District collector
Tiruvallur District.
2. The Tahsildar
Poonamallee Taluk,
Tiruvallur District.
3. Udayan
The Tahsildar
Poonamallee Taluk,
Tiruvallur District.

..Respondent(s)

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus to call for the records in Na.Ka. 2658/ 2026/A1 dated 25.06.2026 on the file of 2nd respondent herein and quash the same consequently declare the act removal of alleged encroachment made by the petitioner in survey No.79/1A1 by mistake of identity without making proper survey.



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For Petitioner(s):

B.Manoharan

Sumathi Selvaraj-MS/121/2014

S.Rajkumar

For Respondent(s):

Mr.B.Sivakollapan, GA for RR1&2

Order

(Order of the Court was made by Dr.G.Jayachandran J.)

- (1) Mr.B.Sivakollapan, learned Government Advocate accepts notice on behalf of the respondents 1 and 2. Since no adverse order is passed against the 3rd respondent, notice to the third respondent is dispensed with.
- (2) By consent, the main writ petition itself is taken up for final disposal at the admission stage itself.
- (3) The petitioner herein, claiming to be in occupation of the land in S.No.93, measuring 0.0.60 sq.m., thereabout, at Goparasanallur Village, Kattupakkam, Poonamallee Taluk, Tiruvallur District, is before us, alleging that he is aggrieved by the impugned notice dated 25.06.2026, issued by the 2nd respondent / the Tahsildar, Poonamallee, for removal of the encroachment in S.No.79/1A1, which is classified as ‘‘Government Poramboke Kuttai’’.
- (4) The learned counsel for the petitioner submits that earlier, as against the impugned notice issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, the petitioner has preferred an appeal and the same is pending. While so, the respondents 1 and 2 are trying to



dispossess the petitioner and remove the fencing put up by her to protect his nursery garden.

(5) The learned Government Advocate appearing for the official respondents submitted that it is the specific case of the petitioner that she is in occupation of the land in S.No.93 in the aforesaid village, whereas it is found that the land in which the petitioner is in occupation, is in S.No.79/1A1, which is classified as "Government Poramboke Kuttai". Hence, the notice was issued for removal of the encroachment. Further, the Survey Plan of the village indicates that S.No.93, near to S.No.79/1A1, but away from the water body.

(6) The learned Government Advocate submits that the removal of encroachment is confined only to S.No.79/1A1, which is classified as "Government Poramboke Kuttai" and not the occupation in S.No.93.

(7) Heard both sides and perused the materials placed on record.

(8) When this Court put a pointed question to the learned counsel for the petitioner as to whether he has any material to show the petitioner's ownership of the land in S.No.93, he is unable to produce the same. However, the learned counsel submitted that in any event, S.No.93, is not a water body and therefore, the eviction notice to the petitioner suffers non-application of mind.

(9) We find no force in the said submission. The revenue records produced before this Court clearly reveals that S.No.79/1A1 is classified as



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Government Poramboke Kuttai''. The impugned notice issued to the petitioner herein reveals that in the said land, the petitioner has put a nursery garden and occupying it. If the petitioner's possession is on a different survey number, then the impugned notice will have no effect on her occupation in S.No.93. If it is otherwise, the petitioner has no locus to encroach upon the water body and claim protection. It is seen that in response to the impugned notice under Section 6 of the Act, the petitioner has given a representation to the Tahsildar, Poonamallee, wherein she had made a specific assertion that she has not encroached upon S.No.79/1A1 and confines her occupation only to S.No.93. If the fact being so, the petitioner need not apprehend that her possession in S.No.93 will be disturbed on the strength of the impugned notice issued for S.No.79/1A1.

- (10) With this clarification, the writ petition stands **dismissed as devoid of merit**. No costs. Consequently, the connected miscellaneous petitions are closed.

(G.J.,J.) (N.M.,J.)
15-07-2026

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

AP



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**DR.G.JAYACHANDRAN J.
AND
N.MALA J.**

AP

To

1. The District collector
Tiruvallur District.
2. The Tahsildar
Poonamallee Taluk,
Tiruvallur District.

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