



WEB COPY

WP No. 27709 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-07-2026

CORAM

THE HON'BLE DR JUSTICE G. JAYACHANDRAN

AND

THE HON'BLE MRS.JUSTICE N. MALA

Writ Petition No. 27709 of 2026

and

W.M.P.No.30374 of 2026

1. S.Ravi
2. V.Amudha
3. S.Purushothaman
4. D.Nandhini

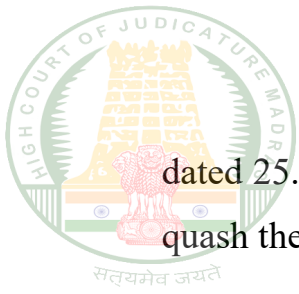
..Petitioners

Vs

1. The District Collector,
Office of the District Collector
Chengalpattu.
2. The Revenue Divisional Officer
Office of the Revenue Division Office,
Tambaram, Chengalpattu.
3. The Tahsildar,
Tambaram Taluk office,
Tambaram,
chennai-600 045.
4. The President
Ottiyambakkam Village Panchayat
Ottiyambakkam.
5. M.Veerababu

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for records of the impugned order



dated 25.6.2026 issued by the 1st respondent bearing Na.Ka.A3/16736/2025 and quash the same as wholly illegal and arbitrary.

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For Petitioner:

Mr.T.M.Mano

For Respondents:

Mr.B.Sivakollappan
Government Advocate

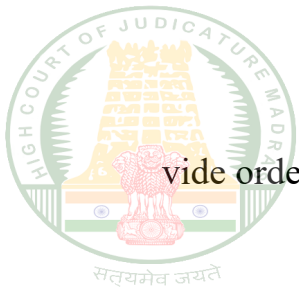
ORDER

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

This Writ Petition has been filed challenging the order dated 25.06.2026 passed by the District Collector on an appeal filed by the petitioners under Section 10 of the Tamil Nadu Land Encroachment Act, 1905.

2. The learned counsel appearing for the petitioners challenges the very jurisdiction of the Collector on the ground that the land in question is 'Grama Natham'. While so, the order of eviction proceedings initiated under the under the Tamil Nadu Land Encroachment Act, 1905, are *per se* inapplicable to 'Grama Natham' lands, in view of the judgment of this Court.

3. The learned Government Advocate appearing for the official respondents submits that the very same issue was raised by the petitioners earlier. In the previous round of litigation, the petitioners had challenged an eviction notice issued by the Village Panchayat. This Court, after considering the contentions raised by the petitioners, disposed of the W.P.No.13915 of 2025



vide order dated 17.04.2025 with the following observations:

“7. Before we write the operative portion of this order we deem it appropriate to write that Section 131(2) of said Act (said Act kicked in on 22.04.1994) talks about action under said 1905 Act but post said Act, Tanks Act kicked in on 01.10.2007. Therefore, we read into Section 131(2) of said Act and Tanks Act. In other words, from hereon and henceforth reference in Section 131(2) to said 1905 Act will include Tanks Act and 'Tamil Nadu Protection of Tanks and Eviction of Encroachment Rules, 2007' [hereinafter 'Tanks Rules' for the sake of brevity] which are special Statutes. This Court is adopting this course as Tanks Act and Tanks Rules kicked in post said Act.

8. In the light of the narrative thus far, the following order is made:

i) Post 19.04.2025, the respondents will commence action under said 1905 Act or Tanks Act by issuing of a show-cause notice under Section 7 of said 1905 Act;

ii) This Court has repeatedly held that said 1905 Act is a self contained Code. The reason inter-alia is that there is a provision to have the alleged encroacher show caused under section 7 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 [Section 10-A(3) to be precise] of said 1905 Act. Pending appeal / revision, there is a provision for making interim prayer vide Section 10-B of said 1905 Act. Therefore, said 1905 Act is a self contained Code in every sense



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of the expression. Therefore, on writ petitioners / noticee responding to Section 7 notice, the Statute will take its course;

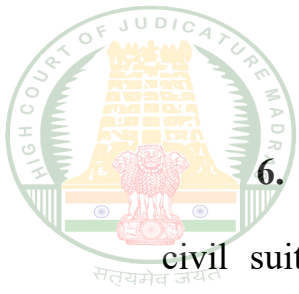
iii) The above means that the certiorari limb of the prayer is ordered by saying that impugned notice is not quashed but it will be followed proceedings under said 1905 Act/Tanks Act as alluded to supra;

iv) Though obvious, it is made clear that proceedings under said 1905 Act or Tanks Act shall be dealt with on its own merits and in accordance with law. This Court has already held that said 1905 Act is a self-contained Code;

....”

4. Thereafter, an order was passed under Section 6 of the Tamil Nadu Land Encroachment Act, which was challenged by the writ petitioners before the Collector under Section 10 of the Act. The District Collector, on considering the contention raised by the petitioners and examining the relevant revenue records, passed an impugned order. The revenue records reveal that out of a larger extent of land in Survey No.73/1A, an area measuring 3.404 Sq.mtrs is classified as ‘குட்டை’ (water body). Consequently, the Collector held that the petitioners, being a subsequent purchasers of a portion of the said land, cannot seek any protection against eviction and is liable to be evicted.

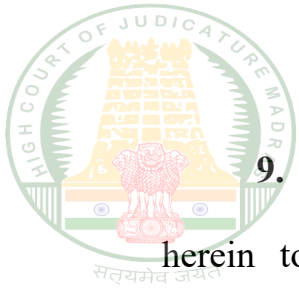
5. The learned Government Advocate appearing for the official respondents further submitted that if the petitioners are still aggrieved by the order of the District Collector, an alternative statutory remedy is available before the Government under Section 10(a)(1)(c) of the Act and it is open to the petitioners to approach the Government for appropriate orders.



6. The learned counsel appearing for the petitioners referred to the civil suit filed earlier before the learned Principle District Munsif Court, Alandur and relied on the observations of the Court while recording the evidence. He particularly highlighted the certified copy of 'A' Register produced by the Tahsildar pursuant to the order passed in C.M.A.No.16 of 2011 for production of documents, making an observation that the 'A' Register Extract, marked as Ex.A4 reveals that Survey Number is classified as 'Grama Natham'.

7. The learned counsel for the petitioners further submitted that the land in question of the petitioners is 'Grama Natham', the action for eviction initiated under the Tamil Nadu Land Encroachment Act, 1905, is *per se* illegal. Further, the proceedings of the Collector impugned reveal that the revenue records in respect of Survey No.73/1A have been mutated, recording a portion of Survey Number as 'குட்டை' (water body).

8. While so, considering a stray observation in the civil Court relying upon the documents produced by the Tahsildar on summons *vis-a-vis* the observation of the District Collector in the appeal proceedings, this Court finds it to be a question of fact. Therefore, it is appropriate for the writ petitioner to approach the Government under its revisional jurisdiction instead of invoking Article 226 to verify the questions of facts.



9.

Hence, we dismiss of the Writ Petition with liberty to the petitioner

herein to avail the revisional remedy under the Act. Consequently, the connected Miscellaneous Petition is closed. No costs.

(Dr.G.J.,J.) (N.M.,J.)

17-07-2026

1/2

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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