



WEB COPY

WP No. 28070 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-07-2026

CORAM

THE HON'BLE MR JUSTICE P. VELMURUGAN

AND

THE HON'BLE MRS.JUSTICE K. GOVINDARAJAN THILAKAVADI

**WP No. 28070 of 2026 and
WMP Nos. 30731 and 30732 of 2026**

M.Selvam
S/o.Late Muthuvel,
Kolathur Road,
Mambakkam Village,
Vandalur Taluk,
Chengalpattu District.

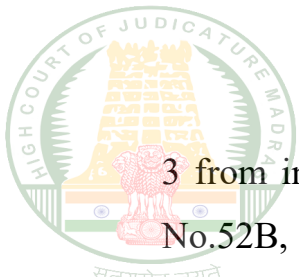
..Petitioner(s)

Vs

1. The Principal Secretary to Government,
Revenue and Disaster
Management Department,
Tamil Nadu Government,
St.George Fort,
Chennai -600 009.
2. The District Collector,
Collectorate,
Chengalpattu,
Chengalpattu District.
3. The Tahsildar,
Vandalur,
Chengalpattu District.

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for recording relating to the impugned order dated 17.02.2026 u/s 6 of the TN Encroachment Act, 1905 issued by the 3rd Respondent, Quash the same and forebear the respondents 1 to



3 from interfering with the petitioner's peaceful possession property in Block No.52B, SF.No. 128/C/2 Mampakkam Village, Vandalur Taluk, Chengalpattu District.

For Petitioner(s): Mr. Amm Ramana

For Respondent(s): Mr. K. Surendar, Govt. Counsel

ORDER

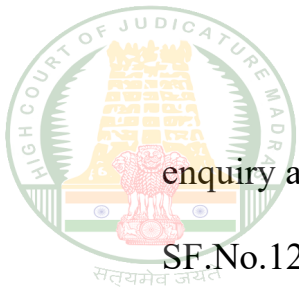
(Order of the Court was made by P.Velmurugan J.)

This Writ Petition has been filed to quash the impugned order dated 17.02.2026 u/s 6 of the Tamil Nadu Encroachment Act, 1905 issued by the 3rd Respondent and forebear the respondents 1 to 3 from interfering with the petitioner's peaceful possession of property in Block No.52B, SF.No. 128/C/2 Mampakkam Village, Vandalur Taluk, Chengalpattu District.

2. Mr. K. Surendar, Government Counsel takes notice for the respondents.

3. Heard and perused the materials available on record.

4. It is seen that the respondents had earlier issued a notice to the petitioner under Section 7 of Tamil Nadu Encroachment Act, 1905 (hereinafter referred to as 'the Act) for the removal of encroachment in the schedule-mentioned property, which clearly shows that the notice pertained solely to S.No.128C/1. The petitioner has not challenged the said notice. Upon expiry of the 15-day period stipulated in the said notice, the respondents conducted an



enquiry and also passed an order under Section 6 of the Act strictly in respect of SF.No.128C/1. Now challenging the said order, the petitioner has filed the present writ petition.

5. The learned counsel for the petitioner submitted that the petitioner has already filed a suit in O.S. No.4 of 2026 before the District Munsif Court, Chengalpattu, for declaration and permanent injunction in respect of S.F.No.128/C2. He further submitted that the respondents have been added as defendants in the said suit and that the petitioner has nothing to do with S.F.No.128C/1. He also submitted that the respondents have erroneously passed the order against the petitioner in respect of S.F.No.128C/1 as if, there is an encroachment, whereas the fact remains that there is no construction or encroachment in S.F.No.128C/1.

6. However, as stated above, the respondents passed the order under Section 6 of the Act solely in respect of S.F.No.128C/1, after issuing due notice and conducting enquiry under Section 7 of the Act. Since the petitioner contends that he has already filed a suit for declaration and permanent injunction in respect of S.F.No.128/C2 and he has nothing to do with S.F.No.128C/1, this Writ Petition is not maintainable.

7. Accordingly, this Writ Petition is dismissed. Consequently, the connected Miscellaneous Petitions are closed. There shall be no order as to costs.



8. However, the petitioner is at liberty to work out his remedy regarding any measurement discrepancies or the mention of an incorrect survey number, in the pending suit. Even otherwise, if the petitioner is so aggrieved by the order, he has an appellate remedy under Section 10 of the Tamil Nadu Land Encroachment Act, 1905.

(P.V.,J.) (K.G.T.,J.)
21-07-2026

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

KSA-2



To

1. The Principal Secretary to Government,
Revenue and Disaster Management
Department,
St.George Fort, Chennai -600 009.

2. The District Collector,
Collectorate,
Chengalpattu, Chengalpattu District.

3. The Tahsildar,
Vandalur,
Chengalpattu District.

4. The Public Prosecutor
High Court of Madras



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**P.VELMURUGAN, J.
AND
K.GOVINDARAJAN THILAKAVADI, J.**

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