



WEB COPY

WP No. 28683 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-07-2026

CORAM

THE HON'BLE DR JUSTICE G. JAYACHANDRAN

AND

THE HON'BLE MRS.JUSTICE N. MALA

WP No. 28683 of 2026

AND

WMP NO. 31435 OF 2026, WMP NO. 31436 OF 2026

M.S.Shanthi
w/o.Late.Sudhakar,
Eden Village,
No.33, Jaswanth Nagar,
Service Road,
Mogappair West,
Chennai-600 037

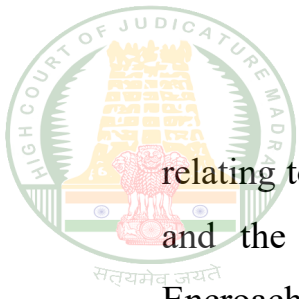
..Petitioner(s)

Vs

1. the Commissioner for Land Administration
Chepauk,
Chennai-5
2. The District Collector
Tiruvallur District.
3. The Revenue Divisional officer
Tiruvallur District.
4. The Tahsildar
Tiruvallur District.
5. S.Mathiyalagan
No.49, Perumal Koil Street,
Kilanoor Village and Post,
Thiruvallur Taluk and District.

..Respondent(s)

Writ petition filed under Article 226 of the Constitution of India
praying for issuance of a writ of certiorarified mandamus calling for the records



relating to the third respondent vide Na.Ka. No.7113/ 2026 / A7 dated 5.6.2026 and the show cause notice issued under Section 7 of the Tamil Nadu Encroachment Removal act 1905 dated 17.06.2026 and to quash the same and consequently direct the fourth respondent to issue patta in favour of the petitioner for the land vested with the petitioner comprised in S.No.253/10 situated at Keezhanur Village, Tiruvallur Taluk and District

WP No. 28683 of 2026

For Petitioner(s): MR.S.VIJAYAKUMAR, SR.COUNSEL
FOR MR.J.Melwin Jabaz
For Respondent(s): Mr.K.Surendar, Ga For R1 To R4

Order

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

- (1) Mr.K.Surendar, learned Government Advocate accepts notice on behalf of the respondents 1 to 4. Since no adverse order is passed against the 5th respondent, notice to the 5th respondent is dispensed with.
- (2) By consent, the writ petition itself is taken up for final disposal at the admission stage itself.
- (3) The notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 [hereinafter referred to as "the Act"], is under challenge in this writ petition.
- (4) As per the impugned notice, the land measuring 1.70 Ares in S.No.253/10, Keezhanur Village, is classified as a "common pathway". As per the Show Cause Notice, which is impugned in this writ petition, the petitioner has put up iron fencing and has encroached the said portion.



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(5) Mr.S.Vijayakumar, learned Senior counsel appearing for the writ petitioner submitted that the land in possession of the writ petitioner or is classified as ‘‘Grama Natham’’. The total measurement of the aforesaid survey number is about 8.64 Hectares.

(6) Insofar as the land in possession of the petitioner in S.No.253/14, measuring 864 sq.m., the Revenue Department has initiated proceedings to issue patta and it is in the advanced stage. While so, at the instance of a private party, who has filed a Public Interest Litigation, the impugned notice has been issued, without considering the recommendation of the Tahsildar and the Revenue Divisional Officer for issuance of patta.

(7) The learned Government Advocate, appearing for the official respondents, rightly pointed out that insofar as 864 sq.m., of the land in S.No.253/14, the proceedings for issuance of patta is being considered favourably and necessary orders will be issued in accordance with law. The learned Government Advocate further submitted that as far as the land measuring 1.70 Ares in S.No.253/10 is concerned, the said land is a pathway, which the petitioner has encroached and hence, notice under Section 7 of the Act has been issued.

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

(9) On perusal of the documents, we find that the Section 7 Notice is a Show Cause Notice issued to the petitioner, pointing out the area which he has encroached, with the extent and the classification of that area as



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per the revenue record. If at all the petitioner has any explanation to be given to the Show Cause Notice dated 17.06.2026, it is for the petitioner to avail the opportunity within fifteen days time granted by the Tahsidlar.

However, the petitioner has not availed that opportunity. Hence, we are of the view that if any explanation is given to the authority in response to the impugned show cause notice, the same may be considered and appropriate orders be passed as per law. The time for submitting the explanation/response to the Show Cause Notice by the petitioner is extended till 06.08.2026.

(10) With the above observations, the writ petition is ***disposed of***. No costs.

Consequently, the connected miscellaneous petitions are closed.

(G.J.,J.) (N.M.,J.)
23-07-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

AP

To

1. the Commissioner for Land Administration
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Tiruvallur District.
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Tiruvallur District.



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

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