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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 03.01.2022

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM  
and  
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.No.28066 of 2021

Satish Kumar Jojoday Rajendran

... Petitioner

-vs-

1.The District Collector  
Master Plan Complex NH 205  
Chennai-Tiruttani Highways  
Thiruvallur - 602 001.

2.The District Revenue Officer  
Master Plan Complex NH 205  
Chennai-Tiruttani Highways  
Thiruvallur - 602 001.

3.The Tahsildar  
Taluk Office, Ettima Nagar  
Poonamallee Taluk  
Thiruvallur District.

4.The Revenue Inspector  
Poonamallee  
Chennai - 600 056.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned notice made in Na.Ka.No.2658/2020/AA1 dated 30.09.2021 by the 3<sup>rd</sup> respondent and consequently direct the respondents not to interfere with the petitioner peaceful possession and enjoyment of the petitioner patta land measuring an extent of 1196 sq.ft., bearing Plot No.148 in K.G.T. Nagar comprised in Survey No.62/2 part (as per patta No.1203, 62/2A2), Goparasanallur Village, Poonamallee Taluk, Thiruvallur District.

For petitioner : Mr.P.Prabu

For respondents : Mr.R.Siddharth  
Government Advocate



ORDER

(Order of the Court was made by K.KALYANASUNDARAM, J.,)

We have heard Mr.P.Prabu, learned counsel appearing for the petitioner and Mr.R.Sidharth, learned Government Advocate appearing for the respondents.

2.This writ petition has been taken up for disposal, at the admission stage itself.

3.The petitioner challenges the order dated 30.09.2021 passed under Section 6 of the Land Encroachment Act, by the 3<sup>rd</sup> respondent.

4.The learned counsel appearing for the petitioner would state that the petitioner is the absolute owner of the property in Survey No.62/2A2 of Goparasanallur Village, measuring to an extent of 1196 sq.ft., in Plot No.148 of K.G.T Nagar. He further added that the competent revenue official has issued patta in favour of the petitioner. The 3<sup>rd</sup> respondent under the guise of removing the encroachment in Survey No.62/1, which has been classified as 'Grazing Poramboke', attempted to remove the encroachment from his patta land. It is further submitted that one of the neighbour of the petitioner has moved a writ petition before this Court in W.P.No.21896 of 2021 on the same ground that the revenue officials has no authority to initiate proceedings under the land encroachment act and this Court has protected the interest of the petitioner therein in that case.

5.Per contra, the learned Government Advocate appearing for the respondents submitted that the order impugned in this writ petition has not been passed for the patta land of the petitioner and the 3<sup>rd</sup> respondent issued the impugned order to remove the encroachment from the land which has been classified as 'Grazing Poramboke land'. The 1<sup>st</sup> Bench of this Court disposed of the writ petition, W.P.No.21896 of 2021 with the following directions:-

"5.The patta issued to the petitioner is in respect of the land in Survey No.62/2, whereas the notice under Section 7 of the Act of 1905 has been issued in respect of the land in Survey No.62/1, which may be the neighbouring land. If the petitioner has made encroachment of the land going beyond the boundaries of the patta land, the respondents were within their rights to invoke Section 7 of the Act of 1905, to remove the encroachment.

6.In view of the above, we do not find that notice has been issued in respect of the



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patta land in favour of the petitioner, but it is for the land other than the patta land. Accordingly, we do not find any reason to interfere with the notice issued under Section 7 of the Act 1905. The respondents would be at liberty to proceed with the removal of the encroachment pursuant to the order passed under Section 6 of the Act of 1905. It is, however, made clear that while removing the encroachment from the land in Survey No.62/1, a survey may be made to protect the right of the petitioner in respect of his patta land in Survey No.62/2."

6.Hence, we find no merit in the present writ petition. Accordingly, this writ petition stands dismissed and the observations made in the order dated 07.12.2021 in W.P.No.21896 of 2021 will apply to the case of the petitioner also. No costs.

Sd/-  
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

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Poonamallee Taluk  
Thiruvallur District.

4.The Revenue Inspector  
Poonamallee Chennai - 600 056.

+2cc to Mr.R. Vinothkumar, Advocate, S.R.No.147  
+1cc to the Government Pleader, S.R.No.327

W.P.No.28066 of 2021

GR(CO)  
CT 28/01/2022