



W.P.No.27675 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.09.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

W.P.No.27675 of 2023

D.Vijayakumar

.. Petitioner

Vs.

1. The District Collector  
Rajaji Salai, Fourth Floor  
No.62, Beach Rd, George Town  
Chennai, Tamil Nadu 600 001.
2. The Executive Engineer  
Public Works Department  
Ambattur, Chennai 53.
3. The Tahsildar  
Ambattur Taluk  
Ambattur, Chennai 53.
4. The Revenue Inspector  
No.89, Ambattur Village  
Ambattur Taluk  
Ambattur, Chennai 53.
5. The Village Administrative Officer  
No.18, Ambattur Village  
Ambattur Taluk  
Ambattur, Chennai 53.



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6. The Commissioner  
Zone-7, Corporation  
Ambattur Taluk  
Ambattur, Chennai 53.

7. The Sub Registrar  
No.6, CTH Road  
Ambattur, Chennai 53.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Prohibition prohibiting the respondents from initiating any action on schedule property survey No.582/1 situated in Ambattur Village under Tamil Nadu Land Encroachment Act, 1905 (Act III/1905) except due process of law.

For the Petitioner : Mr.G.M.Gokulram

For the Respondents : Mr.P.Muthukumar  
State Government Pleader  
Assisted by  
Mrs.R.Anitha  
Special Government Pleader

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.G.M.Gokulram, learned counsel for the petitioner and Mr.P.Muthukumar, learned State Government Pleader, assisted by Mrs.R.Anitha, learned Special Government Pleader for the



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respondents.

2. Learned counsel for the petitioner submits that writ of prohibition be issued against the respondents from initiating any action on the writ property under the Tamil Nadu Land Encroachment Act, 1905, except in accordance with law.

3. We cannot comprehend the manner in which the petition is filed. The officials cannot be prevented from performing statutory duties and or functions. In case an action is initiated under the provisions of any enactment or a statute and the petitioner is aggrieved by that, it is for the petitioner to assail the same as may be permissible under law. However, the writ petition prohibiting the officers under the statute from initiating any action cannot be contemplated.

4. The law presumes that the official act would be properly done. If an encroachment has to be removed, the authorities have to follow the provisions of law. In case, the petitioner is aggrieved by



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any action, which, according to the petitioner is illegal, then, the petitioner can assail the said action.

5. The writ petition, as such, is disposed of. There will be no order as to costs. Consequently, W.M.P.No.27146 of 2023 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

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Index : Yes/No

Neutral Citation : Yes/No

kpl

To

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THE HON'BLE CHIEF JUSTICE  
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P.D.AUDIKESSAVALU, J.

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