



W.P.No.31786 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.11.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.31786 of 2023

H.Hemalata

.. Petitioner

Vs.

1. The District Collector  
O/o. the Collectorate, Chengalpattu  
Chengalpattu – 603 001.
2. The District Revenue Officer  
Chengalpattu District  
Chengalpattu – 603 002.
3. The Revenue Divisional Officer  
Tambaram Revenue Division  
Kadaperi, Tambaram  
Chennai – 600 045.
4. The Tahsildar  
Pallavaram Taluk  
Chrompet, Chennai – 600 044.
5. The Revenue Inspector  
Pallavaram Firkha  
Pallavaram Taluk  
Chennai – 600 043.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus, calling for the records pertaining to the impugned notice dated 28.11.2022 issued under Section 7(1) of the Tamil Nadu Land Encroachment Act, 1905 on the file of the 5<sup>th</sup> respondent herein and quash the same as illegal and consequently direct the respondents to reclassify the land in S.No.458, to an extent of 29045 Sq.Ft situated at St.Thomas Mount Village, Pallavaram Taluk, Chengalpattu District from "Government poramboke" to private land and to issue patta in the name of the petitioner, based on the petitioner's representation dated 25.12.2022.

For the Petitioner : Mr.V.Ramanareddy

For the Respondents : Mr.P.Muthukumar  
State Government Pleader  
for R1 to R5

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.V.Ramanareddy, learned counsel for the petitioner and Mr.P.Muthukumar, learned State Government Pleader for respondents 1 to 5.



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2. The petitioner is challenging the notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 [for brevity, "the Act of 1905"].

3. Learned counsel for the petitioner submits that the petitioner has filed a reply to the said notice. It is further submitted that the petitioner is the owner of the property and the sale deed is in favour of the petitioner. The petitioner has enclosed all the relevant documents along with the reply.

4. The respondent State cannot take further action, unless the order under Section 6 of the Act of 1905 is passed. The petition is premature. The reply is already filed by the petitioner. The authorities, naturally will have to consider the reply filed by the petitioner before passing any orders. If the order under Section 6 of the Act of 1905 is passed, still the petitioner has remedy under Section 10 of the Act of 1905 of filing an appeal.



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5. In view of the above, the writ petition stands disposed of.

There will be no order as to costs. Consequently, W.M.P.Nos.31404 and 31409 of 2023 are closed.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No  
Neutral Citation : Yes/No

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THE HON'BLE CHIEF JUSTICE  
AND  
D.BHARATHA CHAKRAVARTHY, J.

(drm)

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