



WP No.337 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2024

CORAM

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No.337 of 2024

N.A.Seethalakshmi

: Petitioner

versus

1.The District Collector, Chengalpat District

2.The Tahsildar,  
Pallavaram Taluk, Chengalpat District

3.The Revenue Inspector,  
Pallavaram Taluk,  
Chengalpat District

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing the respondents their agents, servants, subordinates or anybody acting on their behalf from in any way interfering with the petitioner's peaceful possession and enjoyment of both the land and buildings situate in S.No.1356 (part) Door No.9, GST Road in S.No.1356 (part) No.9, GST Road, St.Thomas Mount, Chennai 16, bounded on the North by Reserve Police lines, on the east by bungalow of K.Appavoo Chetty on the south by GST Road and on the West by bungalow No.10 of J.Williams.



WP No.337 of 2024

WEB COPY

For the Petitioner

: Mr.S.R.Rajagopal,  
Senior Counsel,  
for Ms.Selvi George

For the Respondents

: Mr.P.Muthukumar,  
State Government Pleader

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.S.R.Rajagopal, learned Senior Counsel for the petitioner and Mr.P.Muthukumar, learned State Government Pleader, appearing for the respondents.

2. The learned Senior Counsel for the petitioner submits that without passing an order under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, (in short, 'the Act'), the respondents have already brought machineries to demolish the structures of the petitioner. It is submitted that on 02.01.2024, a letter was issued to the police authorities as well as all other authorities that the structure of the petitioner would be demolished on 05.01.2024 by 7 am. Now, JCB and other machineries are on the spot.



WP No.337 of 2024

WEB COPY

3. In the morning session, we asked Mr.P.Muthukumar, learned State Government Pleader, to verify the said statement.

4. Mr.P.Muthukumar, learned State Government Pleader, submits that unless an order under Section 6 of the Act is passed, no action would be undertaken for demolition. Today, the Tahsildar may pass an order under Section 6 of the Act.

5. In a writ petition filed by the petitioner earlier, bearing No.34191 of 2023, we had, under order dated 06.12.2023, observed that the authorities shall consider the objection raised by the petitioner to the notice under Section 6 of the Act and that the structures of the petitioner would not be demolished without passing an order under Section 6 of the Act.

6. The facts on record do not augur well. The authorities could not have issued such a letter dated 02.01.2024 saying that the structure of the petitioner would be demolished on 05.01.2024 without passing an order under Section 6 of the Act. Such an act would be a highhanded action.



WP No.337 of 2024

WEB COPY

7. Considering the manner in which the respondent authorities are proceeding, we are compelled to pass the following order:

*The order under Section 6 of the Act, if passed against the petitioner, shall not be given effect to for a period of ten days from the date it is passed, so as to enable the petitioner to prefer an appeal and request for appropriate orders.*

8. The writ petition stands disposed of. There shall be no order as to costs. Consequently, WMP No.401 of 2024 is closed.

**(S.V.G., CJ.)**

**(D.B.C., J.)**

**05.01.2024**

Index : Yes/No  
Neutral Citation : Yes/No  
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WP No.337 of 2024

To

WEB COPY

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WP No.337 of 2024

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WP No.337 of 2024

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