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W.P.No.18331 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

W.P.No.18331 of 2024

&

W.M.P.Nos.20137 and 20138 of 2024

in

W.P.No.18331 of 2024

S.Ranjan Gopal

... Petitioner

Vs.

1. The State of Tamil Nadu Represented by its Secretary
Department of Revenue
Fort St.George
Chennai – 600 009
2. The Commissioner of Land Administration
Ezhilagam
Chepauk
Chennai – 600 005
3. The Principal Commissioner of Survey and Settlement
Ezhilagam
Chepauk



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Chennai – 600 005

4. The Asst.Settlement Officer (North)

Office of the Principal Secretary
And Commissioner of Land and Survey
Chepauk
Chennai – 600 005

5. The Collector of Tiruvallur District

Thiruvallur District
Thiruvallur – 602 001

6. The District Revenue Officer

Tiruvallur Taluk
Tiruvallur – 602 001
Tiruvallur District

7. The Tahsildar

Tiruttani Taluk
Tiruttani – 631 209
Tiruvallur District

8. The Revenue Inspector

Punimangkadu Kuruvattam
Punimangkadu – 631 212
Tiruttani Taluk
Thiruvallur District

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the impugned proceedings the 8th respondent in proceedings in Uu.Mu.82/2024/R1 dated 16.05.2024 and quash the same and consequently direct the 4th respondent to take such necessary and appropriate action in accordance with law pertaining to the applications for patta of the petitioner



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dated 29.04.2017, 09.05.2017, 10.05.2017 for the punjai land in Ponpadi Village in Survey Number 143/1 comprising 0.25.5 Hectares erroneously and wrongly classified as Anadeenam and dispose fo the same in accordance with law.

For Petitioner : Mr.P.V.Ravi Chandran
For Respondents : Mr.P.Balathandayudham
Spl. Govt. Pleader

ORDER

[Order of the Court was made by M.SUNDAR, J.,]

Captioned main 'Writ Petition' ['WP' for the sake of brevity] has been filed assailing 'proceedings dated 16.05.2024 bearing reference 2. (p, 82/2024/R1)' [hereinafter 'impugned proceedings' for the sake of brevity and convenience] made by R8 [The Revenue Inspector, Punimangkadu Kuruvattam, Punimangkadu – 631 212, Tirutani Taluk, Thiruvallur District].

2. Mr.P.V.Ravi Chandran, learned counsel for writ petitioner is before us. Adverting to aforementioned impugned proceedings, learned counsel pointed out that it pertains to '0.00.5 ares/hectares out of a total extent of 0.25.50 hectares/ares of land which according to the impugned proceedings

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has been classified as Punjai Anadeenam in Survey Number 143/1 in Ponnadi Village, Tirutani Taluk, Thiruvallur District' [hereinafter 'said land' for the sake of convenience and clarity]. Learned counsel also pointed out that writ petitioner has responded to the impugned proceedings by way of a response dated 20.05.2023 but nothing has happened thereafter.

3. Issue notice to respondents i.e., issue notice regarding admission.

4. Mr.P.Balathandayudham, learned Special Government Pleader accepts notice for all eight respondents and submits, on instructions, that impugned proceedings is under Section 7 of the 'Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity}, the writ petitioner has been show-caused qua alleged encroachment, writ petitioner has responded on being show-caused vide response dated 20.05.2023 and now further proceedings under Section 6 of said 1905 Act is in the anvil. Learned State counsel submits that the response of the writ petitioner dated 20.05.2023 will be taken into account and considered while making the Section 6 proceedings which is said to be in the anvil. This submission is recorded.

5. Though obvious, we make it clear that if Section 6 proceedings are



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made, the writ petitioner has an appeal remedy under Section 10 of said 1905 Act, the Appellate Authority is R5 [The Collector of Tiruvallur District, Thiruvallur District, Thiruvallur – 602 001] and there is also a further provision for revision under 10-A of said 1905 Act. This Court has repeatedly held that said 1905 Act is a self-contained code.

6. As and when the proceedings under Section 6 of said 1905 Act (said to be in the anvil), shall be made, the same shall be duly served under due acknowledgment on the writ petitioner and thereafter, rights of the writ petitioner to file an appeal under Section 10 of said 1905 Act will kick in if the proceedings are adverse to the writ petitioner and for this purpose all the rights and contentions of the writ petitioner are preserved. If this scenario unfurls, though obvious we make it clear that Appellate Authority, namely R5 (vide Section 10 of said 1905 Act) shall consider the appeal on its own merits and in accordance with law untrammelled by this order. To be noted, this is, if an appeal is preferred and if that scenario unfurls. We find that there is another limb of prayer pertaining to patta qua said land but that will obviously be dependent on how the matter unfurls.



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7. The narrative thus far is good enough to give a closure to captioned main WP by recording the stated position of the learned State counsel. We do so.

8. Therefore, captioned main WP disposed of as closed recording the stated position of learned State counsel albeit with preservation of rights of the writ petitioner in the aforesaid manner. Consequently, captioned WMPs thereat are also closed. There shall be no order as to costs.

(M.S.,J.) (K.G.T.,J.)
10.07.2024

Index : Yes / No

Speaking / Non-speaking order

Neutral Citation : Yes / No

gpa

To

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