



W.P.No.33593 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.33593 of 2024

J.P.R.M.Vadivel
S/o.Late Munusamy

... Petitioner

Vs.

1. The Principal Secretary
Revenue Department
State of Tamil Nadu
Secretariat, Chennai-600 009.
2. The District Collector
O/o. The District Collector
Tiruvannamalai District.
3. The District Revenue Officer
O/o. The District Revenue Officer
Tiruvannamalai District.
4. The Revenue Divisional Officer
O/o. The Revenue Divisional officer
Tiruvannamalai District.



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5. The District Forest Officer
O/o. The District Forest Officer
Tiruvannamalai District.

6. The Tahsildar
O/o. The Tahsildar
Tiruvannamalai Taluk & District.

7. The Village Administrative Officer (VAO)
Adi Annamalai Village & Post
Tiruvannamalai Taluk & District.

8. The Block Development Officer (BDO)
Tiruvannamalai Taluk & District.

... Respondents

Prayer :

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus to direct the respondents to stop any further construction or other activities in Survey No.57, Adi Annamalai Village, Adaiyur Taluk, Tiruvannamalai District and handover alternative land in Survey No.57, Adi Annamalai Village, Adaiyur Taluk, Tiruvannamalai District taken unlawfully from the petitioner without any proper notice or provide alternative land to the petitioner.

For Petitioner	:	Ms.A.Mageshwari
For Respondents	:	Mr.T.K.Saravanan
		Government Advocate
		for R1 to R4, R6 and R7
		Dr.T.Srinivasan
		Special Government Pleader, for R5
		Mr.M.Murali
		Government Advocate, for R8



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ORDER

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

Captioned 'Writ Petition' {hereinafter 'WP' for the sake of brevity} pertains to 'land comprised in S.No.57 in Adi Annamalai Village, Adaiyur Taluk, Tiruvannamalai District admeasuring total extent of 0.43.5 ares' {hereinafter 'said entire land' for the sake of brevity}.

2. Ms.A.Mageshwari, learned counsel on record for writ petitioner submits that an extent of 0.02.0 ares from and out of said entire land is in occupation of writ petitioner. This '0.02.0 ares of land' shall be referred to as 'said land' for the sake of convenience and clarity.

3. Learned counsel for writ petitioner submitted that said entire land was purchased for valuable consideration and it was prayed (in the captioned WP) to restrain respondents from putting up construction in said land.



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4. Issue notice to respondents.

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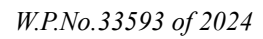
5. Mr.T.K.Saravanan, learned Government Advocate accepts notice for R1 to R4, R6 and R7, Dr.T.Srinivasan, learned Special Government Pleader accepts notice for R5 and Mr.M.Murali, learned Government Advocate accepts notice for R8.

6. Learned State Counsel submits that said entire land is classified as 'Punjai Tharisu' and proceedings have been initiated under 'the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said Act' for the sake of brevity}.

7. Owing to the limited scope of captioned WP, main WP was taken up with the consent of both sides in the Admission Board.

8. Learned State Counsel drew our attention to a notice dated 20.08.2024 under Section 7 of said Act and a scanned reproduction of the same is as follows:

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[illegible]



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WEB COPY 9. Learned counsel for writ petitioner admitted the receipt of
aforementioned notice and submitted that the writ petitioner has not sent
any reply to said notice.

10. In our considered view as proceedings under said Act have been
initiated, the same has to be carried to its logical end. This Court has
repeatedly held that said Act is a self-contained code which provides for
alleged encroacher being show caused under Section 7 of said Act followed
by an order under Section 6 of said Act which is appealable under Section
10 of said Act to the District Collector with a further provision for revision
under Section 10-A of said Act and there is also a provision for interim
orders vide Section 10-B of said Act pending appeal/ revision.

11. As proceedings under said Act have been commenced, we find
that it will suffice to say that the same has to be carried to its logical end on
its own merits and in accordance with law. We have also noted that writ
petitioner (when show caused) has not responded to notice under Section 7



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of said Act. Be that as it may, we find that the prayer is very intriguing.

The reason is, the prayer is for mandamus to restrain respondents from putting up construction in said land. For these reasons, captioned WP does not find favour with this Bench.

In the light of the narrative thus far, Captioned WP is dismissed.

There shall be no order as to costs.

(M.S.,J.)

(K.R.S.,J.)

12.11.2024

Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order

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M.SUNDAR, J.,

and

K.RAJASEKAR, J.,

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