



WEB COPY



W.P.No.1450 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.01.2025

CORAM

THE HONOURABLE MR. JUSTICE **S.M.SUBRAMANIAM**
AND
THE HONOURABLE MR. JUSTICE **V.LAKSHMINARAYANAN**

W.P.No.1450 of 2025
and
W.M.P. Nos.1694 and 1695 of 2025

1.Oliullah
2.Siva
3.Malarvizhi
4.Pranavam
5.Kumari

... Petitioners

Vs.

1.The District Collector,
Tiruvallur District.

2.The Revenue Tahsildar,
Ponneri Taluk,
Tiruvallur District.

3.The Revenue Inspector,
Sholavaram Circle,
Ponneri Taluk, Tiruvallur District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus forbearing the respondents from evicting the petitioners from the premises in Survey Nos.561/1 and 2 and its sub-divisions situated at Sholavaram Village, Ponneri Taluk, Tiruvallur District.



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For Petitioners : Mr.S.Mohamed Ansar
For Respondents : Mr.K.Karthik Jaganath,
Government Advocate

ORDER

(Order of the Court was made by *S.M.SUBRAMANIAM, J.*)

The writ of mandamus has been instituted to forbear the respondents from evicting the petitioners from the premises in Survey Nos.561/1 and 2 and its sub-divisions situated at Sholavaram Village, Ponneri Taluk, Tiruvallur District.

2. Though the petitioners claim that they are the owners of the land, a perusal of the affidavit would reveal that they have not established their title or ownership. If at all they possess any document regarding title, the petitioners have to approach the competent civil Court of law.

3. The authorities formed an opinion that the land in occupation of the petitioners is a Government poramboke land and there is a proposal to initiate action under the Tamil Nadu Land Encroachment Act, 1905. Such a proposal for initiating action to remove the encroachment would provide no cause to the petitioners to institute a writ proceedings. Even a notice will not provide the cause for filing writ petition. The petitioners have to respond to the notice by producing the relevant documents, if



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they hold any document or right, failing which the authorities are empowered to initiate all further actions under the Tamil Nadu Land Encroachment Act, 1905 and remove the encroachment for the purpose of utilising the land for public purposes. Therefore, the writ petition is not only premature but also the petitioners have not established any cause for filing present writ petition.

4. Further grievance of the petitioners is that action under the Tamil Nadu Land Encroachment Act, 1905 has been initiated only against the petitioners and other neighbours have not been issued with any notice. In this regard, respondents 1 to 3 are directed to identify all the encroachments in the nearby locality and initiate appropriate action to remove the encroachments following the procedures as contemplated under the Tamil Nadu Land Encroachment Act, 1905.

5. With the above observation, the writ petition stands dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

Index: Yes
Neutral Citation: Yes/No
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[S.M.S., J.]
17.01.2025

[V.L.N., J.]



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To

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**S.M.SUBRAMANIAM, J.
AND
V.LAKSHMINARAYANAN, J.**

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