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W.P.Nos.1569, 1575, 1581 and 1586 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2025

CORAM

THE HONOURABLE MR. JUSTICE M.SUNDAR
and
THE HONOURABLE MR. JUSTICE HEMANT CHANDANGOUDAR

W.P.Nos.1569, 1575, 1581 and 1586 of 2024
&
W.M.P.Nos.1593, 1602, 1606 and 1618 of 2024

G.Balathandayutham ... Petitioner
in W.P.No.1569 of 2024

P.Sudhakar ... Petitioner
in W.P.No.1575 of 2024

A.Sellamuthu ... Petitioner
in W.P.No.1581 of 2024

1. Jayaganthi
2. S.J.Vignesh
3. S.Ajith Kumar ... Petitioners
in W.P.No.1586 of 2024

vs.

1. The District Collector
Perambalur District
Pin Code: 621 212

2. The Revenue Divisional Officer
Perambalur

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Pin Code: 621 212

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3. The Tahsildar
Taluk Office
Veppanthattai Taluk
Perambalur District
Pin Code: 621 116

4. The Block Development Officer
Panchayat Union
Veppanthattai Taluk
Perambalur District
Pin Code: 621 116

5. The Panchayat President
Kaikalathur Village Panchayat Office
Kaikalathur - 621 119
Veppanthattai Taluk
Perambalur District

6. The Commissioner of Land Administration
Ezhilagam
Chepauk
Chennai - 600 005

... Respondents
in all WPs

(R6 *suo motu* impleaded in all WPs vide this order)

Prayer in W.P.No.1569 of 2024 : Writ Petition filed under Article 226 of Constitution of India seeking issuance of writ of certiorarified mandamus to call for the records relating to Na.Ka.C2/e-10209/2023 dated 05.01.2024 issued by the first respondent and quash the same as illegal and without jurisdiction and consequently direct Respondents 1 to 4 not to interfere in the petitioner's Natham land measuring an extent of 969 sq.ft in Old Survey Nos.403/2, (New Survey Number 34/2) situated at Kai Kalathur Village & Panchayat, Veppanthattai Taluk, Perambalur District.



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Prayer in W.P.No.1575 of 2024 : Writ Petition filed under Article 226 of Constitution of India seeking issuance of writ of certiorarified mandamus to call for the records relating to Na.Ka.C2/e-10209/2023 dated 05.01.2024 issued by the first respondent and quash the same as illegal and without jurisdiction and consequently direct Respondents 1 to 4 not to interfere in the petitioner's Natham land in Old Survey No.403/2, new Survey No.34/2 measuring an extent of 1350 square feet of land situated at Kai Kalathur Village & Panchayat, Veppanthattai Taluk, Perambalur District.

Prayer in W.P.No.1581 of 2024 : Writ Petition filed under Article 226 of Constitution of India seeking issuance of writ of certiorarified mandamus to call for the records relating to Na.Ka.C2/e-10209/2023 dated 05.01.2024 issued by the first respondent and quash the same as illegal and without jurisdiction and consequently direct Respondents 1 to 4 not to interfere in petitioner's Natham lands in Old Survey Number 403/5 (New Survey No.34/5) measuring an extent of 244 sq.ft of land and Old Survey No.403/2, new Survey No.34/2 measuring an extent of 624 sq.ft of land, altogether an extent of 868 square feet of land situated at Kai Kalathur Village & Panchayat, Veppanthattai Taluk, Perambalur District.

Prayer in W.P.No.1586 of 2024 : Writ Petition filed under Article 226 of Constitution of India seeking issuance of writ of certiorarified mandamus to call for the records relating to Na.Ka.C2/e-10209/2023 dated 05.01.2024 issued by the first respondent and quash the same as illegal and without jurisdiction and consequently direct Respondents 1 to 4 not to interfere in petitioner's Natham lands in Old Survey Number 403/5 (New Survey No.34/5) measuring an extent of 807 1/2 sq.ft of land situated at Kai Kalathur Village & Panchayat, Veppanthattai Taluk, Perambalur District.

For Petitioner : Mr.R.Venkatesulu
in all WPs

For Respondents : Mr.T.K.Saravanan
in all WPs Additional Government Pleader



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W.P.Nos.1569, 1575, 1581 and 1586 of 2024

COMMON ORDER

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

This common order will now govern the captioned four main 'Writ Petitions' ['WPs' for the sake of brevity] and four 'Writ Miscellaneous Petitions' ['WMPs' for the sake of brevity] thereat.

2. Notwithstanding multiple and protracted proceedings earlier, from the submissions made by Mr.R.Venkatesulu, learned counsel on record for writ petitioners and Mr.T.K.Saravanan, learned Additional Government Pleader for the five respondents it comes to light that the captioned WPs stand descoped and they turn on a narrow compass.

3. In the light of captioned WPs having got descoped, it will suffice to write that the writ petitioners were visited with notices from R5 being notices dated 03.05.2023 and these notices are under Section 131(2) of 'Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994)' [hereinafter 'Panchayats Act' for the sake of convenience and clarity].

4. Writ petitioners assailed this Section 131(2) notices and the same



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culminated in an order dated 11.09.2023 made by another Hon'ble Division

WEB COPY Bench and a scanned reproduction of this order is as follows:



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WP No.24961 of 2023, etc.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2023

CORAM

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

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

WP Nos.24961, 24965, 24967 of 2023;
8412 of 2019; 27501, 27495,
27564 of 2018 and WA No.1098 of 2023
and WMP Nos.8936, 8942 of 2019; 24387, 24391, 24393, 24390 of
2023; 32009, 32012, 32007, 32091 of 2018
and CMP No.11152 of 2023

WP No.24961 of 2023

A.Sellamuthu

... Petitioner

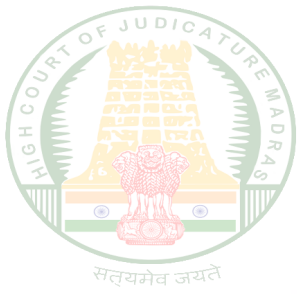
-VS-

1. The District Collector,
Perambalur District,
Pin Code 621212.
2. The Revenue Divisional Officer,
Perambalur, Pin Code 621212.
3. The Tahsildar,
Taluk Office, Veppanthanttai Taluk,
Perambalur District, Pin Code 621116.
4. The Block Development Officer,
Panchayat Unionn, Veppanthattai Taluk,
Perambalur District, Pin code 621116.

... Respondents

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W.P.Nos.1569, 1575, 1581 and 1586 of 2024



WP No.24961 of 2023, etc.

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the notice dated 03.05.2023 issued by the 4th respondent and quash the same as illegal and without jurisdiction and consequently direct the 1 to 4 respondents not to interfere in the petitioner's Natham land in Old Survey No.403/5, New Survey No.34/5 measuring an extent of 244 square feet of land and in Natham land in Old Survey No.403/2, New Survey No.34/2 measuring an extent of 624 sq.ft. of land, altogether an extent of 868 square feet of land (physical possession of 828 square feet only) situated at Kai Kalathur Village & Panchayat, Veppanthattai Taluk, Perambalur District.

For the Petitioners
in all WPs. and WA : Mr.R.Venkatesulu

For the Respondents
in all WPs. and WA : Mr.Karthik Jagannathan
Govt. Advocate.

* * * * *

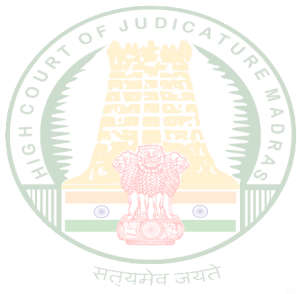
COMMON ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.RVenkatesulu, learned counsel for the petitioners and Mr.K.Karthik Jagannathan, learned Government Advocate for the respondents.

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WP No.24961 of 2023, etc.

2. According to the learned counsel for the petitioners, the land in question is a Grama Natham land. The Tamil Nadu Panchayats Act, 1994 is not applicable to the Grama Natham land.

3. It is not disputed that prior to the impugned notice, no show cause notice was issued to the petitioners. The petitioners can raise all the objections, even the objection of applicability of the Act, with the respondents.

4. As no show cause notice has been issued to the petitioners, we pass the following order.

The impugned notice/order shall be construed as the show cause notice. The petitioners may file reply to the same along with the documents on which the petitioners rely within ten days from today. If the reply is filed within ten days, then the respondents shall consider the said reply and pass fresh orders on its own merits and in accordance with law.

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WP No.24961 of 2023, etc.

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The writ petitions and the writ appeal are, accordingly, disposed of. There will be no order as to costs. WMP No.24390 of 2023 filed by the petitioners therein to permit them to file a single writ petition is allowed and disposed of. Consequently, other miscellaneous petitions are closed.

(S.V.G., C.J.) (P.D.A., J.)
11.09.2023

Index : Yes/No
Neutral Citation : Yes/No

sra

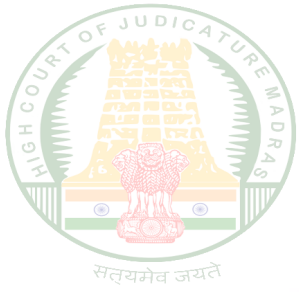
To

1. The District Collector,
Perambalur District, Pin Code 621212.
2. The Revenue Divisional Officer,
Perambalur, Pin Code 621212.
3. The Tahsildar,
Taluk Office, Veppanthanttai Taluk,
Perambalur District, Pin Code 621116.
4. The Block Development Officer,
Panchayat Unionn, Veppanthattai Taluk,
Perambalur District, Pin code 621116.

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WP No.24961 of 2023, etc.

THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKEVALU, J.

(sra)

WP Nos. 24961, 24965,
24967 of 2023; 8412 of 2019;
27501, 27495, 27564 of 2018
and WA No.1098 of 2023

11.09.2023

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5. Learned counsel on both sides submit that the above order has attained legal quietus as neither side has assailed the same. On the contrary, writ petitioners accepting the above order, have sent detailed objections dated 19.09.2023. After considering the response of the writ petitioners dated 19.09.2023, R1 has made an order dated 05.01.2024 bearing reference ந.க.சீ2/e-10209/2023 [hereinafter 'impugned order' for the sake of brevity and convenience]. In and vide the impugned order, R1 has directed the commencement of action under 'the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity}.

6. Learned State counsel submits that pursuant to the impugned order, a notice under Section 7 of said 1905 Act being notice signed on 05.01.2024 by the jurisdictional Revenue Inspector was sent, this was followed by an order under Section 6 of said 1905 Act signed by R3 (jurisdictional Revenue Tahsildar) on 11.01.2024. Pursuant to 11.01.2024 order, being order under Section 6 of said 1905 Act made by R3, the superstructure was demolished on 18.01.2024.



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7.To be noted, it is contended by the learned counsel for the writ petitioners that Section 7 notice signed by the jurisdictional Revenue Inspector on 05.01.2024 and Section 6 order signed by R3 (jurisdictional Tahsildar) on 11.01.2024 have not been served on the writ petitioners but we leave this question open as it turns heavily on facts but it is open to the writ petitioners to raise the same in the revision.

8. Section 6 order no doubt is an appealable order but the appeal will lie to R1 who has made the impugned order. Therefore, this Court is of the considered view that it would be appropriate to relegate the writ petitioners to alternate remedy of statutory revision under Section 10-A of said 1905 Act for assailing the impugned order of R1. To be noted, impugned order not being an order made by R1 in the capacity of an Appellate Authority is still one against which revision lies albeit under clause (b) of Section 10-A, which reads as follows;

*'10A. **Revision.**- (1) Any decision or order passed under this Act may be revised either suo motu or on application-*

(a)

(b) by the Commissioner of Land Administration if such



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decision or order was passed by any officer other than the appellate authority.'

9. Pending revision, it is open to the writ petitioners to seek stay of proceedings under Section 10-B of said 1905 Act. This course is being adopted as the writ petitioners had 30 days time vide sub-section (1) of Section 11 of said 1905 Act to prefer an appeal as against Section 6 order dated 11.01.2024 about which there is allusion supra.

10. The demolition has been made before 30 days elapsed.

11. If the writ petitioners take recourse to alternate remedy of statutory revision under Section 10-A(b) of said 1905 Act and file the same along with a stay petition under Section 10-B of said 1905 Act, the same shall be considered by the revisional authority on its own merits and in accordance with law untrammelled by instant order. To be noted, the revisional authority under Section 10-A(b) is Commissioner of Land Administration and therefore, we add Commissioner of Land Administration, Ezhilagam, Chepauk, Chennai - 600 005 as R6 and Mr.T.K.Saravanan, learned Additional Government Pleader accepts notice



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for R6 too.

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12. The impugned order dated 05.01.2024 is said to have been served on the writ petitioners on 12.01.2024. Captioned WPs have been filed in this Court on 19.01.2024. Therefore, excluding the 7 days and resorting to the underpinning principle qua Section 14 of Limitation Act, we write that the writ petitioners can now file a revision within 23 days from the date of uploading of the order in the official website.

13. Both sides shall maintain *status-quo* qua lands which are subject matter of the captioned WPs. To put it differently, neither shall the writ petitioners deal with said land or put up any construction nor shall the respondents State put it to any use either by putting up construction or without putting up construction. This order of *status quo* shall continue for four weeks from the date of filing of statutory revision, if the writ petitioners chooses to do so i.e, within 23 days from the date of uploading of the order in the official website. Within this four weeks window, Section 10-B petition shall be disposed of by the revisional authority. If the order in the 10-B



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petition is adverse to the writ petitioners, the same shall be kept in abeyance for another fortnight therefrom to enable the writ petitioners to seek judicial review. If the order is in favour of the writ petitioners that would be curtains on the matter.

14. As regards demolition, we preserve all the rights and contentions of the writ petitioners to seek damages, if so advised and if so desired. If the writ petitioners do not prefer revision, much less revision petition with stay petition within 23 days from the date of uploading of the instant order in the official website of this Court, the impugned order can be implemented and the order of status-quo will stand effaced.

15. Coercive action, if any and if that be so shall be subject to orders in Section 10-B (stay) petition, if review along with stay petition is filed by writ petitioners within aforementioned timeline.

Captioned WPs disposed of as closed in the aforesaid manner albeit



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with the above afore-referred observations, directives and preservation of rights in the aforesaid manner. In the light of what we have written regarding coercive action, captioned WMPs have become otiose and the same are disposed of as closed. There shall be no order as to costs.

(M.S., J.) (H.C., J.)
19.08.2025

Index: Yes/No

N.C. : Yes/No

gpa

To

1. The District Collector
District Collector Office
Tiruvannamalai District
2. The Revenue Divisional Officer
District Collector Office
Tiruvannamalai District
3. The Tahsildar
Polur Taluk
Tiruvannamalai District
4. The Village Administrative Officer
Kailasapuram Village, Ananthapuram Post
Polur Taluk, Tiruvannamalai District – 632 315

M.SUNDAR, J.

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W.P.Nos.1569, 1575, 1581 and 1586 of 2024

and
HEMANT CHANDANGOUDAR, J.

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19.08.2025

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