

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.5783 of 2023

And

W.M.P.Nos.5775 and 5852 of 2023

Devakiammal

... Petitioner

Vs.

1.The Collector,
District Collector Office,
Thiruvallur District.

2.The Tahsildar,
Avadi Taluk,
Thiruvallur District.

(R2 – cause title amended as per order
dated 11.07.024 in W.P.5783 of 2023 by ASMJ)

3.The Estates Officer,
Station Headquarters,
Avadi,
Pin – 900 424, C/O 56 APO

4.Administrative Commandant,
Station Headquarters,
Avadi,
Pin – 900 424.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the third respondent order dated 28.12.2022 vide its No.Notice reference

No.044/Encr/Q dt 19 Dec 2022 and quash the same and consequently direct the second respondent to issue computerized patta within the time frame as this Hon'ble High Court may be fixed.

For Petitioner : M/s.M.Abinu Monisha
For Respondents : Mr.AM.Ayyadurai for R1 and R2
Government Advocate
Mr.K.Ramanamoorthy
for R3, R4

O R D E R

This writ petition has been filed seeking issuance of Writ of Certiorarified Mandamus to call for the records of the third respondent order dated 28.12.2022 vide its No.Notice reference No.044/Encr/Q dt 19 Dec 2022 and quash the same and consequently direct the second respondent to issue computerized patta.

2.The learned counsel appearing for the petitioner submitted that the land situated at Thiruvallur District, Avadi Taluk, Paruthipattu Village in S.No.42/1B (42/1B3A1C1A), new T.S.No.2/2 measuring an extent of 0.74 cents (on record 0.77 cents) originally owned by one Thayarammal and the said Thayarammal executed a settlement deed on 12.12.1958 in favour of her daughter Devakiammal/ petitioner vide document No.3216/1958 before the Sub Registrar, Poonamallee and the said Thayarammal died on 09.08.1961 and by way of inheritance,

the petitioner became the owner of the property. While so, the third respondent laid fencing in the petitioner's land and informed the petitioner that the land is coming under the defense area. Hence, the petitioner requested to remove the extra fencing made in her land and thereafter the impugned order was passed.

3.The learned counsel appearing for the petitioner further submitted that as against the impugned order, there is effective appeal remedy available to the petitioner before the District Court in terms of Section 9 of the Public Premises (Eviction of Unauthorised Occupants) Amendment Act. Hence, this Court, without going into the merits of the case, may grant liberty to the petitioner to exhaust the appeal remedy.

4.The learned Government Advocate appearing for the respondents 1 and 2 and the learned counsel appearing for the respondents 3 and 4 raise no serious objection.

5.Considering the limited request now made by the learned counsel appearing for the petitioner, this Court, without expressing any opinion on the merits of the case, permits the petitioner to file appeal

before the District Court in terms of Section 9 of the Public Premises (Eviction of Unauthorised Occupants) Amendment Act. The period during which the writ petition was pending before this Court is excluded for the purpose of limitation.

6.The writ petition is disposed of with the above observation. No costs. Consequently, connected miscellaneous petitions are closed.

18.09.2025

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

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Avadi Taluk,
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M.DHANDAPANI,J.
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