



W.P.No.26633 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.09.2025

CORAM

THE HONOURABLE Mr. JUSTICE M.DHANDAPANI

W.P.No.26633 of 2012
and M.P.1 of 2012
and WMP.No.122 of 2018

- 1.K.Gandeepan
- 2.V.Kandasamy
- 3.R.Murugesan
- 4.V.Arumugham
- 5.C.Kuppusamy
- 6.A.Ramasamy
- 7.K.Rangasamy
- 8.Ammasai Gounder
- 9.G.Guruval
- 10.Mary Rajamani
- 11.C.Kaniammal
- 12.S.Subbammal
- 13.Nabeesha
- 14.V.Hemambujam
- 15.P.Lakshmi
- 16.Fathima
- 17.K.Arunthavaselvi
- 18.R.Parvathi
- 19.Vedhanayaki
- 20.P.Sellathangam
- 21.V.Vesuvammal
- 22.R.Perumal
- 23.K.V.Mani
- 24.S.Ramasubramanian
- 25.A.Vasu



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26.L.Santha
27.V.Madharayappan
28.A.Balasubramanian
29.R.Vasanthakumari
30.N.Subramanian
31.N.Palanichami
32.Kannammal

... Petitioners

Vs

1.The District Collector
Erode District.

2.The Executive Engineer
(P.W.D) Water Resources Organisation
Bhavanisagar Dam Division
Bhavanisagar, Sathyamangalam
Erode District.

3.The Assistant Engineer
(P.W.D) Water Resources Organisation
Bhavanisagar Dam Division
Bhavanisagar, Sathyamangalam
Erode District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration declaring the proceedings initiated against the petitioners under the Tamil Nadu Public Premises (Eviction of Unauthorised Occupants) Act, 1975 (Act I of 1976) by third respondent, are illegal, void and without jurisdiction.

For Petitioners : Mr.S.Kamadevan



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For Respondents : Mr.P.Ganesan
Additional Government Pleader for R1 to R3

Mr.R.Prabakar for R4 to R13

ORDER

The above writ petition has been filed to declare that the proceedings initiated by the third respondent against the petitioners under the Tamil Nadu Public Premises (Eviction of Unauthorised Occupants) Act, 1975 (Act I of 1976) as illegal, void and without jurisdiction.

2. The petitioners herein are the retired Government servants who had worked in various Government Departments. The case of the petitioners is that the Public Works Department (in short 'PWD') had undertaken the construction of Bhavani Sagar Dam in the year 1947 and the said project ended in 1955. During which period, the Government had acquired vast extent of lands in Mudukkandurai, Bhavani Sagar, Sathyamangalam Taluk, Erode District, and handed over the same to PWD. In the said lands, PWD had erected temporary sheds to enable the officers and staff engaged in construction work to reside near the construction site. In the normal course, the temporary sheds ought to have been dismantled after the construction is over. However,



PWD failed to dismantle the same and also did not show interest to maintain the same, owing to which, the sheds were in dilapidated condition and unfit for human habitation.

3. Since the sheds were lying vacant, there was a demand from the petitioners to the Government to occupy the sheds. The PWD had also let out the sheds to the petitioners. The petitioners after getting allotments in their names, had spent huge sums of money for renovating the sheds and they were in continuous possession in the said property with buildings thereon. Be that as it may, on 07.04.2010, the second respondent initiated proceedings under Section 7 of the Tamil Nadu Land Encroachment Act 1905, against the petitioners alleging that they have encroached the lands belonging to Public Works Department and required the petitioners to hand over the possession on or before 27.04.2010. This eviction proceedings was challenged in W.P.No.8913 of 2010. This Court had allowed the writ petition holding that the petitioners cannot be termed as encroachers and the notice issued under Section of Tamil Nadu Land Encroachment Act, 1905, is without jurisdiction. However, it granted liberty to the authorities concerned to initiate proceedings under The Tamil Nadu Public Premises (Eviction of Unauthorised Occupants)



Act, 1975.

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Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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To:

- 1.The Principal Secretary
State of Tamil Nadu
Labour and Employment (G-1) Department
Government of Tamil Nadu
Fort St.George
Chennai – 600 009.
- 2.The Commissioner for Labour
Teynampet, Chennai – 600 006.
- 3.The Controller
Legal Metrology
Office of the Commissioner of Labour
Teynampet,
Chennai – 600 006.



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M.DHANDAPANI,J.,

ds

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