



W.P.Nos.5972 of 2025, etc batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2025

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CORAM

THE HON'BLE MR.JUSTICE M.SUNDAR

and

THE HON'BLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

W.P. Nos.5972, 5974, 5976, 5979, 6466, 6469, 6470, 6483, 6484, 7442
7448, 7449 and 7451 of 2025

&

W.M.P. Nos.6565, 6567, 6569, 6570, 7100, 7106, 7107, 7131, 7133, 8326,
8328, 8334 and 8337 of 2025

D.Venkatarama Raju	.. Petitioner in W.P.No.5972/2025
M.Chandra Raju	.. Petitioner in W.P.No.5974/2025
M.Ramachandran	.. Petitioner in W.P.No.5976/2025
R.Mohan	.. Petitioner in W.P.No.5979/2025
N.Mohana	.. Petitioner in W.P.No.6466/2025
S.Suresh	.. Petitioner in W.P.No.6469/2025
D.Babu	.. Petitioner in W.P.No.6470/2025
K.Shoba	.. Petitioner in W.P.No.6483/2025
M.Sankara Raju	.. Petitioner in W.P.No.6484/2025
K.Mohan Raju	.. Petitioner in W.P.No.7442/2025
N.Dhanamjayulu	.. Petitioner in W.P.No.7448/2025
K.P.Mani	.. Petitioner in W.P.No.7449/2025
M.Chandrasekar	.. Petitioner in W.P.No.7451/2025

Vs.

1.The Commissioner of Land Administration,
Chepauk, Chennai-600 005.



W.P.Nos.5972 of 2025, etc batch

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2.The Principal Secretary and Commissioner,
Survey and Settlement Department,
Chepauk, Chennai-600 005.

3.The District Collector,
Thiruvallur District-601 201.

4.The District Forest Officer (DFO),
Thiruvallur District-601 201.

5.The Forest Range Officer,
Gummidipoondi Forest Range,
Madarpakkam Village and Post,
Pincode-601 202, Thiruvallur District.

6.The Tahsildar,
Gummidipoondi Taluk,
Thiruvallur District-601 201.

7.The Block Development Officer (BDO),
Gummidipoondi Union and Taluk,
Thiruvallur District-601 201.

.. Respondents in
all writ petitions

Prayer: Petitions under Article 226 of the Constitution of India praying for issue of a Writ of Certiorarified Mandamus to call for the records relating to the 5th respondentt herein in Government Order No.832 F&F Government Department, dated 13.07.1881 signed on 8.2.2025 and quash the same and consequently direct the first respondent herein to rectify the error or mistake committed while re-settlement by reclassifying the land in S.No.101/3 in Eguvarpalayam village, Gummidipoondi Taluk, Thiruvallur District as 'Kal Medu' instead of 'Reserve Forest' in the 'A' Register by considering the joint



W.P.Nos.5972 of 2025, etc batch

representation dated 18.3.2023 and pass such further or other order as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner in
all W.Ps.

: Mr.A.Navaneethakrishnan, Senior Counsel
instructed by Mr.R.S.Anandan

For Respondents in
all W.Ps.

: Mr.Haja Nazirudeen,
Additional Advocate General
assisted by Mr.T.K.Saravanan,
Additional Government Pleader
for RR1,2,3 and 6

Mr.Haja Nazirudeen,
Additional Advocate General
assisted by Dr.T.Seenivasan, Spl.G.P.
and Mr.P.Haribabu, Government Advocate
for RR4 and 5

Mr.M.S.Arasakumar, Government Advocate
for R7

- - - -

COMMON ORDER

(Order of the Court was made by M. SUNDAR,J.)

This common order will govern the captioned 13 main 'Writ Petitions'
('WPs' for the sake of brevity) and captioned 13 'Writ miscellaneous



W.P.Nos.5972 of 2025, etc batch

petitions' ('WMPs' for the sake of brevity) thereat.

WEB COPY 2.Mr.A.Navaneethakrishnan, learned senior counsel appearing on behalf of Mr.R.S.Anandan, counsel on record for writ petitioners in all WPs, Mr.Haja Nazirudeen, learned senior counsel and Additional Advocate General instructed by State counsel for respondents 1 to 6 and Mr.M.S.Arasakumar, learned Government Advocate for R7 are before us. As regards State counsel led by learned Additional Advocate General, Mr.T.K.Saravanan, learned Additional Government Pleader for respondents 1,2,3 and 6 and Dr.T.Seenivasan, learned Special Government Pleader and Mr.P.Haribabu, learned Government Advocate for respondents 4 and 5 are before us.

3.Subject matter of all captioned W.Ps is 'land situate in S.No.101/3, Eguvarpalayam village, Gummidipoondi Taluk, Thiruvallur District and dwelling houses put up thereon by writ petitioners' ['said land' as regards land and 'said property' as regards said land together with superstructure thereon for the sake of brevity and convenience]. When five writ petitions with the factual matrix and prayer similar to 13 captioned main W.Ps came up before us, after hearing both sides, a common order dated 17.02.2025 was



W.P.Nos.5972 of 2025, etc batch

made and reproduction of the same is as follows:

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'IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS. JUSTICE K. GOVINDARAJAN
THILAKAVADI

W.P. Nos.5270, 5284, 5286, 5302 and 5306 of 2025

and

W.M.P. Nos.5852, 5858, 5861, 5877 and 5879 of 2025

S. Babu	Petitioner in WP No.5270/2025
M. Somu	Petitioner in WP No.5284/2025
Venkataramaraju	Petitioner in WP No.5286/2025
K. Mani	Petitioner in WP No.5302/2025
Yuva Kumar	Petitioner in WP No.5306/2025

vs.

1. The Commissioner of Land Administration
Chepauk
Chennai 600 005
2. The Principal Secretary and Commissioner
Survey and Settlement Department
Chepauk
Chennai 600 005
3. The District Collector
Thiruvallur District 601 201
4. The District Forest Officer (DFO)
Thiruvallur District 601 201
5. The Forest Range Officer
Gummidipoondi Forest Range
Madarpakkam Village & Post 601 202
Thiruvallur District
6. The Tahsildar
Gummidipoondi Taluk



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W.P.Nos.5972 of 2025, etc batch

Thiruvallur District 601 201

7. The Block Development Officer (BDO)
Gummidipoondi Union and Taluk
Thiruvallur District 601 201

8. The Assistant Engineer
(Operation and Maintenance)
Tamil Nadu Power Distribution Corporation Ltd.
Chennai EDC/North
Madhavaram
Madharpakkam
Chennai

Respondents in all WPs

(R8 *suo motu* impleaded by Court on 17.02.2025)

Writ Petitions filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus by calling for the records relating to the fifth respondent in G.O. No.832 F & F Government Department dated 13.07.1881 signed on 08.02.2025 and quash the same and consequently, direct the first respondent to rectify the error or mistake committed while re-settlement by re-classifying the land in S.No.101/3 in Equverpalayam Village, Gummidipoondi Taluk, Thiruvallur District as “Kal Medu” instead of “Reserve Forest” in the 'A' Register by considering the joint representation dated 18.03.2023.

For petitioner
in all WPs

Mr. A. Navaneethakrishnan
Sr. Counsel
for Mr. R.S. Anandan

For RR 1-3 & 6
in all WPs

Mr. M.S. Arasakumar
Government Advocate

For RR 4 & 5
in all WPs

Mr. Haja Nazirudeen
Addl. Advocate General - I
assisted by
Dr. T. Seenivasan
Spl. Government Pleader (Forest)
and
Mr. P. Haribabu
Government Advocate

For R7

Mr. Habeeb Rahman



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W.P.Nos.5972 of 2025, etc batch

in all WPs

Government Advocate

For R8
in all WPs

Mr. L. Jai Venkatesh
Standing Counsel

COMMON ORDER

[made by M.SUNDAR, J.]

This common order will now govern the captioned five 'writ petitions' (hereinafter 'WPs' for the sake of brevity) and captioned five writ miscellaneous petitions (hereinafter 'WMPs' for the sake of brevity) thereat.

2. Mr. A. Navaneethakrishnan, learned Senior Counsel instructed by Mr. R.S. Anandan, learned counsel on record for writ petitioners in all WPs, Mr. Haja Nazirudeen, learned Additional Advocate General - I instructed by Dr. T. Seenivasan, learned Special Government Pleader (Forest) and Mr. P. Haribabu, learned Government Advocate appearing for RR 4 & 5 in all WPs, Mr.M.S. Arasakumar, learned Government Advocate for RR 1-3 & 6 in all WPs and Mr.Habeeb Rahman, learned Government Advocate for R7 in all WPs, are before us.

3. Before we proceed further, considering the nature of the submissions made today, we deem it appropriate to implead the Assistant Engineer (Operation and Maintenance), Tamil Nadu Power Distribution Corporation Ltd., Chennai EDC/North, Madhavaram, Madharpakkam, Chennai as R8 in all WPs.

4. Issue notice to R8 also. Mr. L. Jai Venkatesh, learned Standing Counsel, accepts notice for R8. Mr. Haja Nazirudeen, learned Additional Advocate General-I, appears on behalf of learned counsel for R8 also.

5. This order has to be read in conjunction with and in continuation of earlier proceedings made in the previous listing on 14.02.2025 which reads as follows:

'IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2025

CORAM:

THE HON'BLE MR. JUSTICE M. SUNDAR

AND

THE HON'BLE MRS. JUSTICE K. GOVINDARAJAN

THILAKAVADI



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W.P.Nos.5972 of 2025, etc batch

W.P. Nos.5270, 5284,5286,5302 and 5306 of 2025
and
W.M.P. Nos.5858, 5852,5861,5877 and 5879 of 2025

W.P. No.5270 of 2025:

S. Babu

Petitioner

vs.

The Commissioner of Land Administration

Chepauk

Chennai 600 005 and 6 others

Respondents

For petitioner Mr. A. Navaneethakrishnan
in all WPs Sr. Counsel
for Mr. R.S. Anandan

For RR1 to 6 Mr. M.S. Arasakumar
in all WPs Government Advocate

For R7 Mr. Habeeb Rahman
in all WPs Government Advocate

COMMON ORDER

Captioned writ petitions have been filed assailing notices under Section 68-A of 'the Tamil Nadu Forest Act, 1882 (Tamil Nadu Act V of 1882)' (hereinafter 'said Act' for the sake of brevity).

2. Mr. A. Navaneethakrishnan, learned Senior Counsel, instructed by Mr. R.S. Anandan, learned counsel on record for writ petitioners, submits that prior to the impugned notices, the writ petitioners were served with notices *vide* 68-A(a) {mentioned as 68-A in notices} being notices dated 18.11.2023 and writ petitioners sent a joint representation (in response to the same) being representation dated 20.11.2023 but the representation has not been considered.

3. Issue notice to respondents.

4. Mr. M.S. Arasakumar, learned Government Advocate, accepts notice for RR 1 to 6 and Mr. Habeeb Rahman,



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W.P.Nos.5972 of 2025, etc batch

learned Government Advocate, accepts notice for R7 and request for a short accommodation to get instructions on whether the representation of the writ petitioners has been considered as contemplated under Section 68-A(b) of said Act.

5. Request acceded to.

6. List on 17.02.2025 (Monday) in the Admission Board *i.e.*, Motion List, under the cause list caption 'NOTICE REGARDING ADMISSION'.

7. In the interregnum, let status quo as of today shall be maintained.

8. List on 17.02.2025 (Monday), as directed in paragraph 6, *supra*.

(M.S., J.) (K.G.T., J.)
14.02.2025'

6. Main WPs were taken up with the consent of the learned counsel on both sides.

7. We find that the 'impugned notices' *i.e.*, notices dated 08.02.2025 issued by R5 (Forest Range Officer, Gummidipoondi Forest Range, Madarpakkam Village & Post) refers to an order dated 07.02.2024 (made by Madras High Court). Learned Additional Advocate General, in his usual fairness, submitted that correct reference is dated 31.08.2023 in W.P.No.25714 of 2023. We deem it appropriate to extract and reproduce the 31.08.2023 order in W.P.No.25714 of 2023 and the same is as follows:

'IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2023

CORAM :

THE HON-BLE MR.JUSTICE S.VAIDYANATHAN

AND

THE HON-BLE MR.JUSTICE K.RAJASEKAR

W.P.No.25714 of 2023

K.Yougandhar

.. Petitioner

Vs.

1.The District Collector,
Thiruvallur District~601 201.

2.The Sub Collector,



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W.P.Nos.5972 of 2025, etc batch

Ponneri Post and Taluk,
Thiruvallur District~601 201.

3.The District Forest Officer (DFO),
Thiruvallur District~601 201.

4.The Tashildar,
Gummidipoondi Taluk,
Thiruvallur District~601 201.

5.The Divisional Engineer,
Electricity Department, Ponneri Post and Taluk,
Thiruvallur District~601 201.

6.The Block Development Officer (BDO),
Gummidipoondi Union and Taluk,
Thiruvallur District~601 201.

- 7.M.Babu
- 8.M.Somu
- 9.M.S.Mohan
- 10.M.Dasaratha Raju
- 11.K.Madhava Raju
- 12.N.Bala Raju
- 13.N.Subramaniam Raju
- 14.M.Ramachandra Raju
- 15.K.Mohan Raju
- 16.M.Narasa Raju
- 17.G.Subramaniam Yadhav
- 18.K.O.Mani
- 19.K.Eswari
- 20.K.O.Subramaniam Raju
- 21.K.O.Jaya Kumar
- 22.K.Mani
- 23.K.Venkata Rama Raju
- 24.M.Chandar Raju
- 25.K.Ramakrishnamma Raju
- 26.N.Dhananjay Raju
- 27.K.P.Chengal Raju
- 28.K.P.Poorana Chandar Raju
- 29.M.Shankar Raju
- 30.K.Babu s/o K.Krishnamma Raju
- 31.M.Mageswar Raju



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W.P.Nos.5972 of 2025, etc batch

32.K.Sobha
33.K.P.Mani
34.Ramya

35.R.Mohan
36.D.Yuva Kumar
37.D.Vekataram Raju
38.K.Babu s/o K.Chengal Raju .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents 1 to 6 to remove the encroachments in S.No.101/3, Melapakkam Village, Eguvarpalayam Post, Gummidipoondi Taluk, Thiruvallur District, put up by respondents 7 to 38 and take appropriate action against them for felling the trees and encroaching the forest land.

For the Petitioner	Mr.R.Udhaya Kumar
For the Respondents	Mr.P..Muthukumar State Government Pleader for respondent Nos.1 to 6

ORDER

(Order of the court was made by S.Vaidyanathan, J.)

The present writ petition has been filed by the petitioner for issuance of a writ of mandamus to direct respondents 1 to 6 to remove the encroachments made by respondents 7 to 38 in S.No.101/3 situated at Melapakkam Village, Gummidipoondi Taluk.

2. Since we are not passing any adverse order against respondent Nos.7 to 38 in the present writ petition, notice to respondent Nos.7 to 38 is dispensed with.

3. It is submitted on behalf of the petitioner that though steps have been initiated to remove the encroachments made in the forest land in Survey No.101/3 as early as October, 2020 by issuance of eviction notice under Section 68A of the Tamil Nadu Forest Act, 1882, the removal has not taken place till date. Hence, the petitioner has filed the present writ petition to remove



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W.P.Nos.5972 of 2025, etc batch

the encroachments made in Survey No.101/3.

4. A copy of “A” register in respect of Survey No.101/3 has been produced. On a perusal of the “A” register, it is seen that Survey No.101/3 has been classified as “Reserve Forest”. Since Survey No.101/3 has been classified as “Reserve Forest”, we are of the view that no one has power to squat on the said forest land.

5. It is also stated that earlier when action was initiated to evict the encroachers from the said forest land, the encroachers have raised law and order issue.

6. Since Survey No.101/3 is classified as ?Reserve Forest? and the same is alleged to be encroached by the private respondents, we direct the authority concerned to take steps to remove the encroachments made in Survey No.101/3 in accordance with law, after affording reasonable opportunity to the affected parties, within a period of three months from the date of receipt of a copy of this order. In the course of removal of encroachments, if the authority concerned finds any law and order issue, the authority can very well write to the jurisdictional police, who are, in turn, directed to render necessary police assistance for removal of encroachments.

7. We direct the officials to adhere to the decision in W.P.(MD) No.16120 of 2023, dated 30.08.2023 (N.Sankar v. The Principal Secretary, Town and Country Planning, Government of Tamil Nadu and three others) to avoid disciplinary proceedings being initiated against them.

8. With the above direction, the writ petition is disposed of. There will be no order as to costs. We make it clear that we have not passed any adverse order against the private respondents, as it is for the authority concerned to take necessary action against the encroachers in accordance with law.

(S.V.N., J.) (K.R.S., J.)
31.08.2023'

8. The significant part of aforementioned 31.08.2023 order is, it directs action in accordance with law 'after affording reasonable opportunity to the affected parties'. We are informed that the five writ petitioners in the instant WPs are RR 7, 8, 22, 23 and 36 in aforesaid W.P.No.25714 of 2023.



W.P.Nos.5972 of 2025, etc batch

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9. Learned Senior Counsel for writ petitioners submits that the writ petitioners have submitted an application for re-classification of the lands forming subject matter of captioned five WPs. To be noted, lands forming subject matter of captioned five WPs are comprised in S.No.101/3 in Equverpalayam Village, Gummidipoondi Taluk, Thiruvallur District (hereinafter 'said lands' for the sake of convenience and clarity).

10. Learned Senior Counsel for writ petitioners submits that the re-classification plea is for re-classification of said lands as fy; nkL. (To be noted, it appears that they have been classified as 'reserve forest'). In this regard, learned Senior Counsel for petitioners draws our attention to an order dated 11.01.2024 in W.P.No.525 of 2024 and the same reads as follows:

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2024

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY
W.P.No.525 of 2024

1. M.S.Chengal Raju
2. Ramakrishnama Raju
3. N.Subramani Raju
4. K.Mohan Raju
5. Narasa Raju
6. Narayanamm
7. K.Easwari
8. K.Mani
9. N.Rajesh
10. N.Subramaniyan
11. D.Babu
12. R.Mohan Raju
13. Venkataramaraju
14. M.Vijaya
15. N.Dhanamjayulu
16. A.Venkatesulu
17. D.Praveena
18. M.Chandra Raju
19. Nagan Elumalai
20. K.Poornachandra Raju
21. M.Ramachandran
22. K.Mahadavan



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W.P.Nos.5972 of 2025, etc batch

23. M.Somu
24. M.Babu
25. S.Babu
26. Ramya
27. Yasvanth
28. K.C.Subramani
29. D.Venkatarama Raju
30. Sankara Raju
31. K.Chensurama Raju
32. Krishnamoorthy
33. S.Suresh
34. Subramani
35. K.C.Mani
36. Shoba

.. Petitioners

Vs.

1. The Commissioner of Land Administration
Chepauk, Chennai - 600 005.
2. The Principal Secretary and commissioner
Survey and Settlement Department
Chepauk, Chennai – 600 005.
3. The District Collector
Thiruvallur District - 601 201.
4. The District Forest Officer (DFO)
Thiruvallur District - 601 201.
5. The Forest Range Officer
Gummidipondi Forest Range
Madarpakkam Village & Post
Pin Code - 601 202
Thiruvallur District.
6. The Tahsildar
Gummidipoondi Taluk
Thiruvallur District - 601 201
- .
7. The Block Development Officer (BDO)
Gummidipoondi Union and Taluk
Thiruvallur District - 601 201.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India



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W.P.Nos.5972 of 2025, etc batch

seeking a writ of mandamus, directing the first respondent herein to rectify the error or mistake committed while resettlement by reclassifying the land in S.No.101/3 in Eguvarpalayam Village, Gummidipoondi Taluk, Tiruvallur District as 'KAL MEDU' (Rathi Boomilu) instead of 'Reserve Forest' in the 'A' Register by considering the joint representation of the petitioner dated 18.03.2023.

For the Petitioners : Mr.R.S.Anandan

For the Respondents : Mr.A.Selvendran
Special Government Pleader
for R1 to R3, R6 and R7

Mr.J.Ravindran
Additional Advocate General
assisted by Mr.S.J.Mohd. Sathik
Government Advocate (Forest)
for R4 and R5

ORDER

(Made by the Hon-ble Chief Justice)

Heard Mr.R.S.Anandan, learned counsel for the petitioners, Mr.A.Selvendran, learned Special Government Pleader for respondents 1 to 3, 6 and 7 and Mr.J.Ravindran, learned Additional Advocate General assisted by Mr.S.J.Mohd. Sathik, learned Government Advocate (Forest) for respondents 4 and 5.

2. Learned counsel for the petitioners submits that representation has been given for correction of mistake in the reclassification of land in S.No.101/3 in Eguvarpalayam Village, Gummidipoondi Taluk, Tiruvallur District. The representation is given on 18.03.2022.

3. Learned Additional Advocate General submits that the land encroachment eviction notice, under Section 68-A of the Tamil Nadu Forest Act, 1882, is already issued to the petitioners on 18.11.2023.

4. Learned counsel for the petitioners submits that reply has been filed to the said notice.

5. The notice dated 18.11.2023, issued by the Forest Range



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W.P.Nos.5972 of 2025, etc batch

Officer, is a show-cause notice and the same will have to be decided on its own merits, considering the reply filed by the petitioners. The petitioners can raise all possible defense available to them by filing a reply to the show-cause notice.

6. As far as reclassification of the land is concerned, it is for the first respondent to consider the same on its own merits and if such application is filed, the first respondent shall consider the same on its own merits and in accordance with the law and policy.

7. In light of the above, the writ petition stands disposed of. There shall be no order as to costs. Consequently, W.M.P.Nos.531 and 532 of 2024 are closed.

(S.V.G., CJ.)

(D.B.C., J.)

11.01.2024'

11. The above order directs 18.03.2023 re-classification application (date is seemingly wrongly stated as 18.03.2022) to be considered by R1 on its own merits and in accordance with law and policy. This Court is informed by learned counsel on both sides that four out of five writ petitioners in the captioned WPs are petitioners in aforesaid W.P.No.525 of 2024 and they are petitioner nos.8,13,23 and 25.

12. In the aforesaid backdrop, pursuant to 31.08.2023 order in W.P.No.25714 of 2023, a notice dated 18.11.2023 was issued is learned State counsel's say. This notice says that it is under Section 68-A(a) of 'the Tamil Nadu Forest Act, 1882 (Tamil Nadu Act V of 1882)' (hereinafter 'said Act' for the sake of brevity). In response to this 18.11.2023 notice, writ petitioners have sent a joint representation dated 20.11.2023. This means that the joint representation has to be duly considered by the officer concerned *vide* Section 68-A(b) of said Act is his further say. We deem it appropriate to extract and reproduce the entire Section 68-A of said Act and the same reads as follows:

'68-A. Liability of person unauthorisedly occupying any land in reserved forest, etc. to summary eviction.-- Any person unauthorisedly occupying any land in reserved forest or any land at the disposal of Government may be summarily evicted by an officer of Forest Department not below the rank of Forest Ranger or an Officer of the Revenue Department not below the rank of Tahsildar, having jurisdiction over the area in which such land is situated, in such manner as may be prescribed and any crop or other product raised on such land,



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W.P.Nos.5972 of 2025, etc batch

shall be liable to forfeiture and any building or other construction erected or anything deposited thereon shall also be liable to forfeiture. Forfeiture under this section, shall be adjudged by the officer referred to above and any property so forfeited, shall be disposed of in such manner as may be prescribed:

Provided that no eviction or adjudication under this section adversely affecting a person shall be made or adjudged, unless--

(a) such person has been given a notice in such manner as may be prescribed; and

(b) the representation, if any, received in pursuance of such notice has been duly considered by such officer concerned.'

13. Though both sides argued on the basis that aforesaid Section 68-A of said Act is operating, this Court finds that there is serious doubt about this position. The reason is, Section 68-A of said Act has been introduced/included by way of an Amendment Act and that Amendment Act is, 'The Tamil Nadu Forest (Amendment) Act, 1981 (Tamil Nadu 41 of 1981)' (hereinafter 'Amending Act 41' for the sake of brevity) but on research made by this Court, it appears that Amending Act 41 has been repealed by the Tamil Nadu Repealing (Second) Act, 2023 (Act 13 of 2023) which came into force on 03.05.2023. If this is the position, reference to Section 68-A in the notices dated 18.11.2023 and impugned notices dated 08.02.2025 is debatable. However, this question is left open and there cannot be two ways about the principle that alleged encroachers, in cases of the nature at hand (to be noted, they are dwelling houses) have to be show caused / given an opportunity before demolition, as laid down by Hon'ble Supreme Court in **In Re.Directions in the matter of demolition of structures** reported in **2024 SCC OnLine SC 3291**.

14. The learned State counsel very fairly submits that there is a procedural irregularity as the writ petitioners / noticees having been show caused/have responded *vide* representation dated 20.11.2023 and the same is yet to be considered.

15. In the light of the narrative thus far, to give a complete quietus and with the intention of comprehensively dealing with the matter, we deem it appropriate to make the following order:



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W.P.Nos.5972 of 2025, etc batch

(i) Re-classification application dated 18.03.2023 made by the writ petitioners and others *qua* S.No.101/3 in Equverpalayam Village, Gummidipoondi Taluk, Thiruvallur District (to re-classify as 'kal medu' instead of 'reserve forest') shall be considered by R1 on its own merits and in accordance with law as per order dated 11.01.2024 in W.P.No.525 of 2024 and a decision shall be taken as expeditiously as the business of R1 would permit but in any event within six weeks from today *i.e.*, on or before 31.03.2025;

(ii) Thereafter, R5 shall take up writ petitioners' response dated 20.11.2023 (response to 18.11.2023 notices in the form of representation) and consider the same *inter alia* in the light of the decision of R1 *qua* re-classification application dated 18.03.2023 and decide as expeditiously as the business of R5 would permit but in any event within another six weeks thereafter *i.e.*, on or before 12.05.2025;

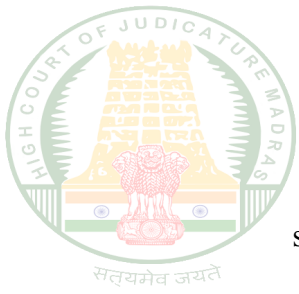
(iii) aforereferred orders of R1 as well as R5 shall be served on the writ petitioners under due acknowledgment;

(iv) The electricity supply which has been disconnected to writ petitioners' dwelling houses situate in said lands shall now be restored forthwith as fairly assured by learned Additional Advocate General, on instructions, in this regard. R8 to ensure that needful is done in regard to restoration of electricity connection to writ petitioners' dwelling houses;

(v) All the rights and contentions of the writ petitioners are preserved in the event of orders to be made by R1 in the re-classification application dated 18.03.2023 and orders to be made by R5 being adverse to the writ petitioners and same being assailed, if they are so advised and if so desired. This is owing to the fact that we make it clear that we have not expressed any view or opinion on the merits of the matter, with regard to re-classification; and

(vi) Though obvious, we make it clear that any coercive action will be subject to and depending on orders to be made by R5 in the aforesaid manner.

16. Captioned 5 WPs stand disposed of in the aforesaid manner. Consequently, captioned WMPs thereat are disposed of as closed. There



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W.P.Nos.5972 of 2025, etc batch

shall be no order as to costs.

(M.S., J.) (K.G.T., J.)
17.02.2025'

4.To be noted, there is no disputation or contestation between both sides that factual matrix in captioned main W.Ps and aforementioned 17.02.2025 common order are same / similar warranting only changes in time lines in the operative portion, i.e., paragraph 15 of aforementioned common order.

5.Be that as it may, it would be evident from paragraph 13 of our aforreferred common order that the question as to whether Section 68-A of 'the Tamil Nadu Forest Act, 1882 (Tamil Nadu Act V of 1882)' [hereinafter 'said Act' for the sake of brevity] continues to be in the statute book qua said Act has been left open. To be noted, all abbreviations, short forms and short references used in our earlier aforereferred common order dated 17.02.2025 will continue to be used in the instant order also for the sake of brevity, convenience and clarity.

6.Adverting to paragraph 13 of the previous order, we deem it appropriate to write that the question that was left open will now stand

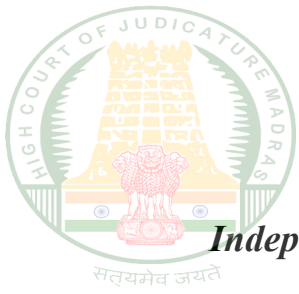


W.P.Nos.5972 of 2025, etc batch

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answered by the instant order. At the outset, we deem it appropriate to record that said Act came into force on and from 01.01.1883, Amending Act 41 kicked in on and from 13.07.1981 and 'the Tamil Nadu Repealing (Second) Act, 2023 (Act 13 of 2023)' which shall hereinafter be referred to as 'Repeal Act', kicked in on and from 03.05.2023. The question that was left open is whether the Repeal Act (owing to repealing Amending Act 41) has the effect of taking away Section 68-A in the said Act as Section 68-A was an insertion in said Act made by Amending Act 41.

7.In this regard, Mr.A.Navaneethakrishnan, learned Senior counsel and Mr.Haja Nazirudeen, learned Senior counsel and Additional Advocate General were on the same page i.e., that Section 68-A continues to remain in the Statute book and repeal of Amending Act 41 does not have the statutory impact of taking away Section 68-A. We have no hesitation in agreeing with this common submission by respectfully following the law laid down by Hon'ble Supreme Court in this regard in ***Independent Schools' Federation of India (Regd.) Vs. Union of India*** reported in ***2022 SCC OnLine SC 1113***. The Payment of Gratuity Act, 1972 and the Payment of Gratuity (Amendment) Act, 2009 are the Statutes in the context of which

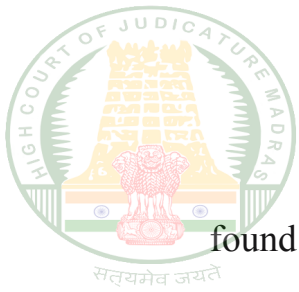


W.P.Nos.5972 of 2025, etc batch

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Independent Schools' Federation case was rendered. Factual matrix in a nutshell is that an amendment to section 2(e) and insertion of Section 13A to the Payment of Gratuity Act, 1972 with retrospective effect vide the Payment of Gratuity (Amendment) Act, 2009 were brought in and the constitutional validity of the same was questioned by several private schools before various High Courts by filing writ petitions which were dismissed. Challenging the same, civil appeals were preferred before Hon'ble Supreme Court and writ petitions under Article 32 of the Constitution of India were also preferred by some private schools.

8. In this backdrop, in **Independent Schools' Federation** case, Hon'ble Supreme Court after making reference to Section 6A of the 'the General Clauses Act, 1897 (Act No.10 of 1897)' [hereinafter 'Central General Clauses Act' for the sake of brevity] approved and reiterated **Khuda Bux** case [**Khuda Bux Vs. Manager, Caledonian Press**] made by Calcutta High Court and reported in **1954 SCC OnLine Cal 132**. In **Kudha Bux** case, factual matrix is that the appellant one Kudha Bux was employed in a printing press of respondent for 40 years and as he was unable to work, he absented himself from attending duty and did not rejoin thereafter. It was

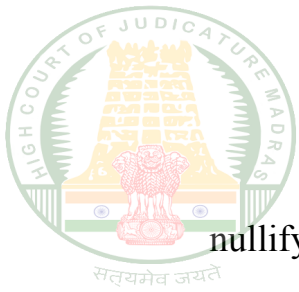


W.P.Nos.5972 of 2025, etc batch

WEB COPY

found that he was suffering from chronic lead poisoning due to handling lead in the course of his employment. Khuda Bux had applied for compensation under the Workmen's Compensation Act, 1923 before the Commissioner who has dismissed his claim observing that the disease of lead poisoning had been specified as peculiar only to employments which were processes involving the use of lead. The Commissioner made clear distinction between handling and process and rejected the claim of the appellant stating that the appellant's employment could not be called a process. Aggrieved appellant preferred appeal before the High Court. Before the High Court, it was contended that the appellant was not even a workman. It is in this context, the High Court had examined the effects of repealing and amending Acts qua the Factories Act.

9.In ***Khuda Bux***, the Calcutta High Court referred to the obtaining position in England as regards Statute Law Revision Acts, which have been referred to as legislative spring-cleaning. Such Statute Law Revision Acts which are referred to as legislative spring-cleaning are not intended to make any change in law. In this view of the matter, the Repeal Act is clearly legislative spring-cleaning and therefore, it does not have the effect of



W.P.Nos.5972 of 2025, etc batch

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nullifying the insertion made by Amending Act 41 vide said Act. In

Independent Schools' Federation case, a reference was made to Halsbury's

Laws of England, 2nd Edn., Vol. 31, at p. 563 which makes interesting

reading regarding Statute Law Revision Act, which was quoted in

Jethanand Betab Vs. State of Delhi reported in (1960) 1 SCR 755 and this

was approved by Hon'ble Supreme Court vide Paragraph 28 of *Independent*

Schools' Federation case. Relevant portion of Paragraph 28 of

Independent Schools' Federation case is as follows:

'28. This Court also referred to *Halsbury's Law of England* on the said aspect and the decision of the Calcutta High Court in *Khuda Bux v. Manager, Caledonian Press*. Relevant extract from the judgment in *Jethanand Betab* (supra) reads thus:

"6. The general object of a repealing and amending Act is stated in *Halsbury's Laws of England*, 2nd Edn., Vol. 31, at p. 563, thus:

"A statute Law Revision Act does not alter the law, but simply strikes out certain enactments which have become unnecessary. It invariably contains elaborate provisos."

In *Khuda Bux v. Manager, Caledonian Press*, Chakravartti, C.J., neatly brings out the purpose and scope of such Acts. The learned Chief Justice says at p. 486:

"Such Acts have no Legislative effect, but are designed for editorial revision, being intended only to excise dead matter from the statute book and to reduce its volume. Mostly, they expurgate amending Acts, because having imparted the



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W.P.Nos.5972 of 2025, etc batch

amendments to the main Acts, those Acts have served their purpose and have no further reason for their existence. At times, inconsistencies are also removed by repealing and amending Acts. The only object of such Acts, which in England are called Statute Law Revision Acts, is legislative spring-cleaning and they are not intended to make any change in the law. Even so, they are guarded by saving clauses drawn with elaborate care,...

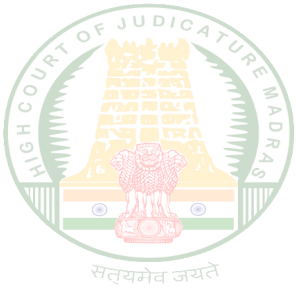
”

It is, therefore, clear that the main object of the 1952 Act was only to strike out the unnecessary Acts and excise dead matter from the statute book in order to lighten the burden of ever increasing spate of legislation and to remove confusion from the public mind. The object of the Repealing and Amending Act of 1952 was only to expurgate the amending Act of 1949, along with similar Acts, which had served its purpose.'

10. We respectfully follow *Independent Schools' Federation* principle and accept the argument that Repeal Act is nothing but legislative spring-cleaning. This takes us to Section 6A of Central General Clauses Act alluded to supra. Section 6A of Central General Clauses Act reads as follows:

'6A. Repeal of Act making textual amendment in Act or Regulation.

—Where any [Central Act] or Regulation made after the commencement of this Act repeals any enactment by which the text of any [Central Act] or Regulation was amended by the express omission,



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W.P.Nos.5972 of 2025, etc batch

insertion or substitution of any matter, then, unless a different intention appears, the repeal shall not affect the continuance of any such amendment made by the enactment so repealed and in operation at the time of such repeal.'

11.In the case on hand, we are concerned with 'the Tamil Nadu General Clauses Act, 1891 (Act 1 of 1891)' [hereinafter 'Tamil Nadu General Clauses Act' for the sake of brevity] and the equivalent provision is Section 8-A which reads as follows:

'8-A. Effect of repeal of Act making textual amendment in previous Act.- Where any Act to which this Chapter applies, repeals any enactment by which the text of any previous enactment was amended by the express omission, insertion or substitution of any matter, then, unless a different intention appears, the repeal shall not affect the continuance of any such amendment made by the enactment so repealed and in operation at the time of such repeal.'

12.Section 8-A of Tamil Nadu General Clauses Act makes it clear that when there is an insertion in an existing enactment by another enactment, the repeal of the enactment which makes the insertion (post insertion) does not affect the continuance of the amendment brought in by the amending enactment.

13.This takes us to the Repeal Act wherein the preamble makes it



W.P.Nos.5972 of 2025, etc batch

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clear that the Repeal Act has been brought in only owing to the expediency qua expressly / specifically repealing enactments which are spent, otherwise become obsolete. To put it differently, the Repeal Act has been made by the legislature to expressly / specifically repeal as many as 175 enactments which are spent, become obsolete and have practically ceased to be in force (having served their purpose) but have not been expressly / specifically repealed.

14.To be noted, Amending Act 41 figures at Serial No.29 in the Schedule of the Repeal Act. Therefore, we have no hesitation in holding that Section 68-A of said Act survives notwithstanding the Repeal Act. Equally instructive is another judgment of Hon'ble Supreme Court in ***Insolvency and Bankruptcy Board of India Vs. Satyanarayan Bankatlal Malu and Others*** reported in **(2024) 6 SCC 508** and the factual matrix is that SBM Paper Mills (P) Ltd., the Corporate Debtor, filed a petition before National Company Law Tribunal, Mumbai Bench [NCLT] under section 10 of 'the Insolvency and Bankruptcy Code, 2016' ['the Code' for the sake of brevity] for initiation of Corporate Insolvency Resolution Process which was admitted by the NCLT and NCLT appointed a Interim Resolution Professional [IRP] to carry



W.P.Nos.5972 of 2025, etc batch

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out the functions as prescribed under the provisions of the Code. Thiru Satyanarayan Malu (the respondent) who is a ex Director of Corporate Debtor filed an application under section 12-A of the Code before NCLT in the light of one time settlement entered into with the sole financial creditor. The IRP had filed an application for approval of the resolution plan. The application filed by the respondents was allowed. The NCLT had issued a show cause notice to respondents due to non compliance of the terms of the OTS by the respondent. The appellant Insolvency and Bankruptcy Board filed a complaint against the respondents before the Sessions Judge. The Sessions Judge issued process against the respondents and directed them to be summoned. Aggrieved respondents preferred a writ petition before the Bombay High Court seeking to quash the order of the Sessions Judge for want of jurisdiction. The writ petition was allowed. The appellant Board preferred appeal before Hon'ble Supreme Court.

15.In this case, Hon'ble Supreme Court dealt with legislation by incorporation and legislation by reference. After advertng to Section 6A of Central General Clauses Act, which is akin to Section 8-A of Tamil Nadu General Clauses Act, Hon'ble Supreme Court made it clear that class of



W.P.Nos.5972 of 2025, etc batch

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cases contemplated by Section 6-A of Central General Clauses Act are those where function of the statute is accomplished on incorporation / insertion and such Statutes die as if it were a natural death but natural death is formally effected by a repeal. The provisions incorporated and inserted retain their efficacy and usefulness. This elucidation by Hon'ble Supreme Court made with regard to Section 6A of Central General Clauses Act will apply in all fours to Section 8-A of Tamil Nadu General Clauses Act, which is for all practical purposes *in pari materia* barring necessary adaptation.

16.We respectfully follow the principles laid down by Hon'ble Supreme Court in ***Independent Schools' Federation*** as well as ***Insolvency and Bankruptcy Board of India*** cases and hold that the principles will apply qua Section 8-A of Tamil Nadu General Clauses Act as well.

17.The discussion and dispositive reasoning thus far supra means that the question that was left open vide paragraph 13 of our earlier aforereferred common order dated 17.02.2025 is no more res integra and it stands answered vide this order.

18.Now, reverting to the captioned 13 W.Ps., it is submitted by both sides that the electricity supplies which were disconnected to writ



W.P.Nos.5972 of 2025, etc batch

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petitioners' dwelling houses, i.e., said property have since been restored and that the same will continue until decisions are taken in the manner set out in the operative paragraph infra and continuance will depend on the decision.

19. We now proceed to write the operative portion for the captioned 13 WPs and the same is as follows:

(i) Re-classification application dated 18.03.2023 made by the writ petitioners and others *qua* S.No.101/3 in Equverpalayam Village, Gummidipoondi Taluk, Thiruvallur District (to re-classify as 'kal medu' instead of 'reserve forest') shall be considered by R1 on its own merits and in accordance with law as per order dated 11.01.2024 in W.P.No.525 of 2024 and a decision shall be taken as expeditiously as the business of R1 would permit but in any event within six weeks from today *i.e.*, on or before 17.04.2025;

(ii) Thereafter, R5 shall take up writ petitioners' response dated 20.11.2023 (response to 18.11.2023 notices in the form of representation) and consider the same *inter alia* in the light of the decision of R1 *qua* re-classification application dated 18.03.2023 and decide as expeditiously as the business of R5 would permit but in any event within another six weeks



W.P.Nos.5972 of 2025, etc batch

thereafter *i.e.*, on or before 29.05.2025;

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(iii) Aforereferred orders of R1 as well as R5 shall be served (within seven working days of the order) on the writ petitioners under due acknowledgment;

(iv) All the rights and contentions of the writ petitioners are preserved in the event of orders to be made by R1 in the re-classification application dated 18.03.2023 and orders to be made by R5 being adverse to the writ petitioners and same being assailed, if they are so advised and if so desired. This is owing to the fact that we make it clear that we have not expressed any view or opinion on the merits of the matter, with regard to re-classification; and

(v) Though obvious, we make it clear that any coercive action will be subject to and depending on orders to be made by R5 in the aforesaid manner.

20. Captioned 13 W.Ps stand disposed of in the aforesaid manner.

Consequently, captioned WMPs thereat are disposed of as closed. There shall be no order as to costs.



W.P.Nos.5972 of 2025, etc batch

(M.S.,J.) (K.G.T.,J.)
06.03.2025

WEB COPY Index : Yes

Speaking order

Neutral Citation : Yes

vvk

To

- 1.The Commissioner of Land Administration,
Chepauk, Chennai-600 005.
- 2.The Principal Secretary and Commissioner,
Survey and Settlement Department,
Chepauk, Chennai-600 005.
- 3.The District Collector,
Thiruvallur District-601 201.
- 4.The District Forest Officer (DFO),
Thiruvallur District-601 201.
- 5.The Forest Range Officer,
Gummidipoondi Forest Range,
Madarpakkam Village and Post,
Pincode-601 202
Thiruvallur District.
- 6.The Tahsildar,
Gummidipoondi Taluk,
Thiruvallur District-601 201.
- 7.The Block Development Officer (BDO),
Gummidipoondi Union and Taluk,
Thiruvallur District-601 201.



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W.P.Nos.5972 of 2025, etc batch

M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,

vvk

W.P. Nos.5972, 5974, 5976, 5979, 6466,
6469, 6470, 6483, 6484, 7442 7448, 7449
and 7451 of 2025
&
W.M.P. Nos.6565, 6567, 6569, 6570, 7100,
7106, 7107, 7131, 7133, 8326, 8328,
8334 and 8337 of 2025

06.03.2025