



W.P. No.5829 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2025

CORAM:

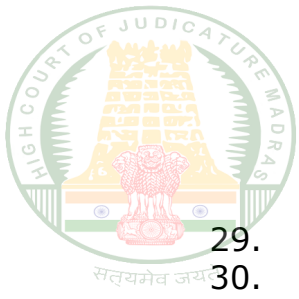
THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS. JUSTICE K. GOVINDARAJAN THILAKAVADI

W.P.No.5829 of 2025 and W.M.P. No.6416 of 2025

1. Jayanthi
2. Chellapponnu
3. Valarmathi
4. Mangaiyarkarasi
5. Krishnaveni
6. Gomathi
7. Rajakumari
8. Gayathri
9. Meenakshi
10. Amudha
11. Parvathi
12. Prema
13. Ananthi
14. Chitarasi
15. Krishnammal
16. Shanthi
17. Kalyani
18. Thavamani
19. Mallika
20. Thaiyalnayaki
21. Shanthi
22. Shanthi
23. Thamayandi
24. Manikandan
25. Thenaruvi
26. Vasantha
27. Usha
28. Suganya



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29. Murugesan
30. Valli
31. Premavathi
32. Gomathi
33. Ramachandran

Petitioners

vs.

1. The District Collector  
Cuddalore District  
Cuddalore
2. The Sub Collector  
Chidambaram  
Cuddalore District
3. The Tahsildar  
Chidambaram Taluk  
Chidambaram  
Cuddalore District
4. Balakrishnan
5. Chidambaram Neernilaigal Paadhukaapu  
Matrum Samoogapani Sangam  
represented by its President  
M. Senguttuvan  
No.2D, Saradharam Apartment  
Theradi Kadai Street  
Chidambaram 608 001  
Cuddalore District

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari calling for the entire records relating to the impugned order passed by the second respondent in his proceedings Na.Ka.No.A4/574/2024 dated 07.02.2025 and quash the same.



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For petitioners      Mr. C. Prakasam  
For RR 1 to 3      Mr. T.K. Saravanan  
Additional Government Pleader

**ORDER**

[made by M.SUNDAR, J.]

The prayer in the captioned main 'writ petition' (hereinafter 'WP' for the sake of brevity) is for issue of a writ of certiorari *qua* 'order dated 07.02.2025 bearing reference Na.Ka.No.A4/574/2024 made by R2 (Sub Collector, Chidambaram)' (hereinafter 'impugned order' for the sake of convenience and clarity).

2. Mr. C. Prakasam, learned counsel for writ petitioners, submits that the impugned order is contrary to orders of 'National Green Tribunal' (hereinafter 'NGT' for the sake of brevity) in O.A.No.125 of 2021 (SZ) and the interlocutory applications thereat. It was pointed out that the impugned order is predicated on orders of NGT.

3. Issue notice to official respondents, viz., RR 1 to 3.

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4. Mr. T.K. Saravanan, learned Additional Government Pleader, accepts notice for RR 1 to 3 and submits that pattas granted to the writ petitioners have been cancelled as according to learned State counsel, they are encroachments.

5. Notwithstanding the aforesaid rival submissions, we find that the impugned order has been made without putting the writ petitioners on notice. To put it differently, the impugned order is one of cancellation of pattas but it has been made without putting on notice the writ petitioners in whose favour pattas have been issued. This Court is of the considered view that the impugned order deserves to be dislodged by issue of a writ of certiorari on this short point.

6. To be noted, learned State counsel has no material to demonstrate that writ petitioners were put on notice before cancellation of pattas. On the contrary, the writ petitioners have been visited with notices under Section 7 of 'the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' (for brevity 'said 1905 Act') post cancellation of pattas *vide* impugned order.



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7. In the light of the narrative thus far, following order is made:

(i) Impugned order of R2 dated 07.02.2025 bearing reference Na.Ka.No.A4/574/2024 is set aside on the short point that writ petitioners have not been put on notice before cancellation of pattas;

(ii) We are not expressing any view or opinion on the proceedings before NGT or orders made by NGT;

(iii) All the rights and contentions of the writ petitioners are preserved when they are put on notice for cancellation of patta proceedings which, learned State counsel submits, will be done within 3 weeks from today *i.e.*, by 14.03.2025;

(iv) When writ petitioners are put on notice, RR 4 and 5 shall also be put on notice and given an opportunity. This preserves the rights of RR 4 and 5 and therefore, there is no impediment in the captioned main WP being disposed of (To be noted, nothing adverse to private respondents is mentioned in the instant order);

(v) Notice under Section 7 of said 1905 Act issued to the writ petitioners shall be rolled back; and



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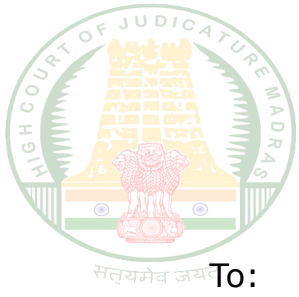
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(vi) Subject to and depending on the outcome of the patta cancellation proceedings, it is open to the State to issue notices under Section 7 of said 1905 Act afresh or proceed under other appropriate applicable statute.

Captioned main WP is allowed albeit with aforementioned observations and directives. Consequently, captioned writ miscellaneous petition thereat is closed. There shall be no order as to costs.

**(M.S., J.) (K.G.T., J.)**  
**21.02.2025**

cad  
Index : Yes/No  
NC : Yes/No



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To:

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1. The District Collector  
Cuddalore District  
Cuddalore
2. The Sub Collector  
Chidambaram  
Cuddalore District
3. The Tahsildar  
Chidambaram Taluk  
Chidambaram  
Cuddalore District



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**M.SUNDAR, J.**

and

**K. GOVINDARAJAN THILAKAVADI, J.**

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