



W.P. No.8215 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR
and
THE HONOURABLE MRS. JUSTICE K. GOVINDARAJAN THILAKAVADI

W.P.No.8215 of 2025 and W.M.P.No.9206 of 2025

Tamilselvi

Petitioner

vs.

1. The Commissioner
Sholinghur Municipality
Ranipet District

2. The Tahsildar
Sholinghur
Ranipet District

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari calling for the records of the first respondent leading to issuance of the order bearing Na.Ka.No.2876/2024/F1 (Na.Ka.No.2876/2024/F1) dated 19.02.2025 and quash the same.

For petitioner Mr. B. Arvind Srevatsa
assisted by
Mr. A. Irfan Sherif

For respondents Mr. T.K. Saravanan
Additional Government Pleader

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ORDER

[made by M. SUNDAR, J.]

When the captioned matter was listed in the Admission Board (first listing) on 10.03.2025, this Court made the following proceedings/order:

'IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS. JUSTICE K. GOVINDARAJAN THILAKAVADI

W.P. No.8215 of 2025 and W.M.P.No.9206 of 2025

Tamilselvi

Petitioner

vs.

1. The Commissioner
Sholinghur Municipality
Ranipet District

2. The Tahsildar
Sholinghur
Ranipet District

Respondents

For petitioner
For respondents

Mr. B. Arvind Srevatsa
Mr. T.K. Saravanan
Additional Government Pleader

ORDER

[made by M. SUNDAR, J.]

Captioned main 'writ petition' (hereinafter 'WP' for the sake of brevity) pertains to Survey No.645/2A in Sholingur Village, Sholingur Taluk, Ranipet District.

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2. It is submitted by Mr. B. Arvind Srevatsa that title has been decided by R1 in and by order dated 19.02.2025 bearing reference Na.Ka.No.2876/2024/F1 (hereinafter 'impugned order' for the sake of convenience and clarity) in summary proceedings under proviso to Section 128(1)(b) of The Tamil Nadu Urban Local Bodies Act, 1998 (Act 9 of 1999).

3. Issue notice to respondents.

4. Mr. T.K.Saravanan, learned Additional Government Pleader, accepts notice for both the respondents and submits that the impugned order was assailed in another writ petition being W.P.No.7229 of 2025 and that writ petition came to be dismissed by this Court on 05.03.2025. Saying so, learned State counsel sought for a short accommodation to produce a copy of the aforesaid order.

5. Request acceded to.

6. List this matter one week hence.

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

8. List under the cause list caption 'NOTICE REGARDING ADMISSION' in the Admission Board i.e. Motion List, on 17.03.2025 (Monday).

**(M.S., J.) (K.G.T., J.)
10.03.2025'**

2. The aforementioned proceedings/order shall now be read as integral part and parcel of instant order. This means that the short forms, short references and abbreviations used in our earlier proceedings/order dated 10.03.2025 shall continue to be used in the instant order too.



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3. In the second listing (today), advertng to the
aforementioned proceedings/order dated 10.03.2025,
Mr.T.K.Saravanan, learned Additional Government Pleader, placed
before us, an order dated 05.03.2025 made by this Bench in
W.P.No.7229 of 2025 and the writ miscellaneous petition thereat in
N.Malliga's case (N.Malliga vs. Sholingur Municipality) and a
reproduction of this order is as follows:

'IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2025

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

W.P.No.7229 of 2025

&

W.M.P.No.8049 of 2025 in W.P.No.7229 of 2025

N.Malliga

W/o.V.P.Nagarajan

... Petitioner

vs.

Sholingur Municipality

Rep. By its Commissioner

Sholingur

Vellore District

... Respondent

Writ Petition filed under Article 226 of The Constitution of India praying to
issue a Writ of Certiorarified Mandamus calling for the records of the respondent
in their notice vide Na.Ka.No.2876/2024/F1 dated 19.02.2025 calling upon to
remove the construction within 15 days from the date of receipt of notice
pertaining to the petitioner's property to an extent of 3 cents comprised in Survey
No.645/2A, situated at No.109, Anadana Chathiram Road, Sholingur, 631 102,



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Vellore District, quash the same and consequently forbear the respondent from in anyway interfering with the petitioner's peaceful possession and enjoyment of the above said property pending final determination of the petitioner's representation dated 21.02.2025.

For Petitioner : Mr.D.S.Rajasekaran

For Respondent : Mr.T.K.Saravanan
Addl. Govt. Pleader

ORDER

[Order of the Court was made by K.GOVINDARAJAN THILAKAVADI, J.,]

Captioned writ petition has been preferred by the petitioner assailing a notice dated 19.02.2025 in Na.Ka.No.2876/2024/F1 seeking a direction to forbear the respondent from taking any action against the writ petitioner pursuant to the above notice.

2. The contention of the writ petitioner is that she had purchased a portion of land in S.No.645/2A by virtue of a sale deed dated 08.06.2005 from one M.J.Sundararaj and she is in possession and enjoyment of the said land till date. While so, on 19.02.2025, the respondent issued a notice under Section 128(1)(b) of 'The Tamil Nadu Urban Local Bodies Act, 1998 (Act 9 of 1999)' (hereinafter 'TNULB Act' for the sake of convenience and clarity) to one Mr.Nagaraj, neighbour of the writ petitioner alleging encroachment in the said land. Further contention of the writ petitioner is that the petitioner is having a legal right over the said property and therefore, the said notice issued by the respondent is liable to be set aside.

3. Issue notice to the respondent.

4. Mr.T.K.Saravanan, learned Additional Government Pleader accepts notice for the respondent.

5. The impugned notice was not issued to the writ petitioner and the same was issued only to one Mr.Nagaraj. On this short and solitary ground itself, we are not inclined to entertain this writ petition.

Resultantly, this writ petition fails and accordingly dismissed as devoid of merits. Consequently, the connected writ miscellaneous petition is closed. There shall be no order as to costs.

(M.S.,J.) (K.G.T.,J.)
05.03.2025'



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4. A careful perusal of the aforementioned order dated 05.03.2025 in **N. Malliga's** case brings to light that the writ petition was dismissed on the short and solitary point that the writ petitioner was not noticee *qua* impugned notice. This has been set out very clearly in paragraph no.5 of **N.Malliga's** case.

5. In this view of the matter, Mr. B. Arvind Srevatsa, learned counsel for writ petitioner and learned State counsel, submitted that **N.Malliga's** case really does not have any impact *qua* captioned WP. We, therefore, revert to the case on hand.

6. Notwithstanding very many averments, contentions and grounds in writ affidavit, learned counsel for writ petitioner predicated his campaign against the impugned order on the sole contention that R1 has usurped Civil Court jurisdiction and decided title in summary proceedings which is impermissible.

7. Learned State counsel submitted to the contrary by pitching his argument on the point that the revenue record classification of the land that is subject matter of impugned order *i.e.*,



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land comprised in S.No.645/2A in 35, Sholinghur Village, Sholinghur Taluk, Ranipet District (hereinafter 'said land' for the sake of convenience and clarity) is 'road'. A scanned reproduction of copy of the relevant portion of 'A' register and Adangal account, as placed before us, by learned State counsel is as follows:

1	2	3	4	5	6	7	8	9	10	11	12
196											
2B 637-2B	ர	4	...	7-2	4	3	85	0 03.0	0 11	764 கொ. ராணியம் மாள்.	
2C -2C	ர	4	...	7-2	4	3	85	0 53.0	2 04	764 கொ. சாணியம் மாள்.	BA
								2 32.5	8 94		
...	638	ர	4	...	7-2	4	3	85	0 56.5	2 18	1364 தாயாரம் மாள்.
...	639	ர	4	...	7-2	4	3	85	0 37.0	1 42	1365 கமலம்மாள்.
...	640	ர	4	...	7-2	4	3	85	0 60.0	2 31	421 நா. சொக்க லிங்க ரெட்டியார்.
...	641	அ	4, 10	...	...	...	...	0 74.0	...	...	ரோடு.
1 642-1	அ	தி. ஏ. த	...	...	...	...	...	0 47.5	...	...	செங்காள் குட்டை தரிசு.
2 -2	ர	4	...	7-2	4	3	85	0 49.0	1 90	405 கொ. சுப்பிர மணி.	
								0 96.5	1 90		
...	643	ர	4	...	7-2	4	3	85	1 09.0	4 20	893 M. V. ஜானகி ராமநாயுடு.
1 644-1	அ	4, 10	...	...	...	...	...	0 04.0	...	...	கால்வாய்.
2 -2	ர	4	...	7-2	4	3	85	0 37.5	1 44	893 M. V. ஜானகி ராமநாயுடு.	
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1 & 645-1	ர	4	...	7-2	4	3	85	0 12.61	5 05	893 M. V. ஜானகி ராமநாயுடு.	
2A -2A	அ	4, 10	...	...	...	...	...	0 13.0	5 53	...	
2B -2B பா	ர	4	...	7-2	4	3	85	0 95.5	...	...	ரோடு.
								0 00.5	0 06	309 பிரேக்ஸ் இந்துயா லிமிடெட், சோளிங்கர் ஸ்டால்ப் லெல்பேர் டி.ரெட்டி.	



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8. In support of his contention that deciding title in summary proceedings is impermissible, learned counsel for writ petitioner pressed into service **Thummala Krishna Rao** case law [**Government of Andhra Pradesh vs. Thummala Krishna Rao and another** reported in **(1982) 2 SCC 134** decided on 16.03.1982], **Padmavati Devi** case law [**State of Rajasthan vs. Padmavati Devi and others** reported in **1995 Supp (2) SCC 290** decided on 06.04.1995] and **Kavasji** case law [**Kaikhosrou (Chick) Kavasji Framji vs. Union of India and another** reported in **(2019) 20 SCC 705** decided on 15.03.2019].

9. Learned counsel submitted that **Thummala Krishna Rao** principle has been adverted to and applied in **Padmavati Devi** case and **Padmavati Devi** principle, has, in turn, been applied and adverted to in **Kavasji** case.

10. This Court carefully considered the rival submissions and this Court comes to the conclusion that the captioned WP deserves to be dismissed. The discussion and dispositive reasoning is as follows:



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(i). Before we embark upon the legal drill of considering the case laws pressed into service by learned counsel for writ petitioner, we deem it appropriate to write that as regards how case laws have to be relied on and how a citation should be adverted to, we respectfully follow the declaration of law made by a Hon'ble Constitution Bench in **Padma Sundara Rao** case [**Padma Sundara Rao vs. State of Tamil Nadu** reported in **(2002) 3 SCC 533:2002 SCC OnLine SC 334**], wherein, the factual matrix is, a notification issued under Section 6 of the Land Acquisition Act, 1894, was assailed in Madras High Court and the Madras High Court, relying on **N.Narasimhaiah** case reported in **(1996) 3 SCC 88**, held that the same was validly issued. The matter was carried to Hon'ble Supreme Court on the question of law as to whether, after quashing of a notification under Section 6, a fresh period of one year is available to the State Government to issue another notification under Section 6. It is, in this context, *i.e.*, while deciding this legal question, the Constitution Bench declared the law with terse eloquence as regards



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how Courts should place reliance on case laws / precedents. The most relevant paragraph is paragraph 9 and the same reads as follows:

"9. Courts should not place reliance on decisions without discussing as to how the factual situation fits in with the fact situation of the decision on which reliance is placed. There is always peril in treating the words of a speech or judgment as though they are words in a legislative enactment, and it is to be remembered that judicial utterances are made in the setting of the facts of a particular case, said Lord Morris in *Herrington v. British Railways Board* [(1972) 2 WLR 537 : 1972 AC 877 (HL) [Sub nom *British Railways Board v. Herrington*, (1972) 1 All ER 749 (HL)]] . Circumstantial flexibility, one additional or different fact may make a world of difference between conclusions in two cases.'

(underlining made by us for ease of reference)

(ii). As regards **Thummala Krishna Rao** case, learned counsel drew our attention to paragraph 9 and submitted that facts which raise a *bona fide* dispute of title between Government and the occupant must be adjudicated by a Civil Court.

We carefully and respectfully perused the factual matrix in **Thummala Krishna Rao** case. In **Thummala Krishna Rao** case, three parcels of lands situate in Habsiguda, Hyderabad East Taluk, Andhra Pradesh,



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constituted the subject matter and all these three parcels of lands originally belonged to one Nawab Zainuddin. After his demise, they devolved on Nawab Habibuddin. Thereafter, in 1932 and 1937, all these three parcels of land were acquired by the Government of Nizam of Hyderabad under the Hyderabad Land Acquisition Act (Act akin to Land Acquisition Act, 1894) for the benefit of Osmania University which was then administered by a Department of the Government of Hyderabad. Thereafter, on 13.02.1956, Osmania University filed a civil suit in O.S.No.1 of 1956 against Nawab Habibuddin in the City Civil Court, Hyderabad, claiming that the three parcels of lands were acquired by the Government for the benefit of University and praying for eviction from those lands. This suit was dismissed by the Trial Court in 1959 *inter alia* on the ground that one of the parcels was not acquired by the Government and the two other parcels were, no doubt, acquired but University failed to prove its possession thereof within twelve years before the filing of the suit. The Trial Court also returned a finding that with regard to



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other two parcels, Nawab Habibuddin had encroached upon the same in 1942 which in any event was more than twelve years before the filing of the suit. Osmania University carried the matter to High Court on appeal, High Court confirmed the findings of the Trial Court and to be noted, State Government was not impleaded as a party to these proceedings. When things stood thus, Osmania University wrote a letter (on 08.05.1964) to the Government of Andhra Pradesh requesting it to take steps for summary eviction of persons who were allegedly in unauthorised occupation of all three parcels of land and the jurisdictional Tahsildar, acting under Section 7 of Land Encroachment Act, 1905, called upon Nawab Habibuddin to vacate the lands followed by an order of eviction. Nawab Habibuddin carried it on appeal to the Collector (unsuccessfully) and a further appeal against decision of the Collector was also unsuccessful (appeal dismissed by Revenue Board in 1968) and the litigants in **Thummala Krishna Rao** case (respondents before the Supreme Court) purchased the parcels of land from Nawab Habibuddin for valuable

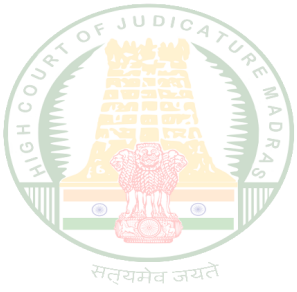


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consideration and on his demise, they were impleaded in the proceedings before the Revenue Board. Thereafter, decision of Revenue Board also was confirmed by the Government against which writ petitions and intra-court appeals were preferred. It is, in this context, that High Court of Andhra Pradesh held that summary remedy cannot be resorted to as regards complicated questions of title and Hon'ble Supreme Court confirmed the decision of the High Court of Andhra Pradesh by saying that title dispute between Government and occupant must be adjudicated upon by ordinary Courts of law.

In **Thummala Krishna Rao** case, it is nobody's case that the lands that were subject matter *i.e.*, three parcels of lands were classified as public land *i.e.*, road, as in the case on hand. There was a tussle for title and a Civil Court decision was confirmed by the High Court and it is in this context, that **Thummala Krishna Rao** case was rendered. Therefore, applying **Padma Sundara Rao** principle (declaration of law as it is a Constitution Bench judgment),



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we respectfully write that **Thummala Krishna Rao** case does not come to the aid of the writ petitioner in the case on hand.

(iii). In **Padmavati Devi** case, facts make it clear that there were houses and shops in the land in question and persons in occupation were paying rent to State, jurisdictional Tahsildar called upon such persons to deposit rent and also called upon the noticees to explain how they have been letting their premises and selling pieces of land. Noticees responded to this notice stating that the land is not a 'Sawai Chak' (Government land); they have been in possession of the same for long and proceedings under Section 91 of the Rajasthan Land Revenue Act, 1956 (hereinafter 'Rajasthan Act' for the sake of brevity) cannot be initiated. Tahsildar rejected the objections making it clear that if the noticee has got a right of any kind, she has to get her right settled in a Court of law. Appeal against this order of Tahsildar was dismissed by the Collector. Further appeal to the Revenue Appellate Authority resulted

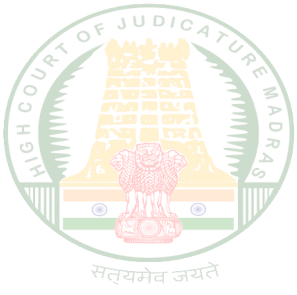


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in setting aside of the orders of the Tahsildar and Collector, Revenue Appellate Authority order was set aside by Board of Revenue and it was directed that noticee should be evicted from the land forthwith under Section 91 of Rajasthan Act and it also directed that construction made thereon be suitably dealt with. This order of the Board of Revenue was assailed in the Rajasthan High Court by way of a writ petition, the same was allowed and the matter was carried to Hon'ble Supreme Court and Hon'ble Supreme Court, applying **Thummala Krishna Rao** principle, held that summary remedy under the Rajasthan Act was not the kind of legal process which is suited for an adjudication of complicated questions of title. This makes it clear that the factual matrix in **Padmavati Devi** case is completely different from the facts obtaining in the case on hand as this is not a case of lease by State or alienation by lessee. In **Padmavati Devi** case, the Tahsildar himself had called upon the noticee to approach Civil Court. Therefore, this Court has no hesitation in respectfully applying **Padma Sundara Rao** case declaration of law and



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as a sequitur, coming to the respectful conclusion that **Padmavati Devi** principle also does not come to the aid of the writ petitioner.

(iv). The factual matrix in the case on hand is that, the subject matter is the land comprised in Survey No.645/2A, which, according to the revenue records, admeasures 0.95.5 hectares equivalent to 2 acres and 35 cents classified as 'road'. One Chakravarthy Iyengar, in and by a sale deed dated 07.10.1970, registered as document no.4027 of 1970 on the file of the jurisdictional Sub Registrar, sold 84 cents with a recital regarding possession. This sale was in favour of one Janakirama Naidu and after his demise, his son M.J. Sundar Raj executed an unregistered possession deed (கவாத்தீன் ஆவணம்) dated 10.06.2004 in favour of one Ashokan (husband of writ petitioner) and the local body passed a resolution on 15.11.2002 accepting donation of a well for larger public use and resolved that it is open to M.J. Sundar Raj to obtain patta for the remaining 35 cents of land.



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Neither M.J. Sundar Raj nor Ashokan obtained patta. To be noted, said land is *qua* S.No.645/2A. It is clear that there is nothing regarding title of the said land. Said land always stood classified as 'road'. Mere transfer of what is described as 'possessory right' by a unregistered document is the stated position of the writ petitioner. Furthermore, 'A' register clearly shows that after M.J. Sundar Raj had patta only with regard to S.No.645/1 (Patta No.893) to an extent of 12.61 ares.

(v). To be noted, Section 2 of 'the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' (for brevity 'said 1905 Act') captioned '*Right of property in public roads, etc., waters and lands*' makes it clear that roads, streets, lanes, paths, *etc.* have been declared to be a property of the Government and sub-section (2) of Section 2 specifically declares that all public roads and streets, vested in any local authority shall be deemed to be the property of the Government. The entire Section 2 of the said Act reads as follows:



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'2. Right of property in public roads, etc. waters and lands --

(1) All public roads, streets, lanes and paths, the bridges, ditches, dikes and fences, on or beside the same, the bed of the sea and of harbours and creeks below high water mark, and of rivers, streams, nalas, lakes and tanks, and all back waters, canals and water courses and all standing and flowing water, and all lands, wherever situated, save insofar as the same are the property --

(a) of any zamindar, poligar, mittadar, shrotriendardar or inamdar or any person claiming through or holding under any of them, or

(b) of any person paying shit, kattubadi, jodi, poruppu or quit rent to any of the aforesaid persons, or

(c) of any person holding under ryotwari tenure including that of a janmi in the Gudalur taluk of the Nilgiris District and in the transferred territory or in any way subject to the payment of land revenue direct to Government, or

(d) of any other registered holder of land in proprietary right or

(e) of any other person holding land under grant from the Government otherwise than by way of licence, and, as to lands, save also insofar as they are temple site or owned as house-site or back yard, are and are hereby declared to be the property of Government except as may be otherwise provided by any law for the time being in force, subject always to all rights of way and other public rights and to the natural and easement rights of other land owners, and to all customary rights legally subsisting.

(2) All public roads and streets vested in any local authority shall, for the purposes of this Act, be deemed to be the property of the Government.'



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It is is nobody's case, not even that of the writ petitioner, that the said property falls under any of the exceptions *vide* clauses (a) to (e) of sub-section (1) of Section 2.

(vi). As regards **Kavasji** case, the property that was subject matter of the case, comprised a main bungalow, a cottage, outhouses, garages and an open plot of land (garden) admeasuring around 1.52 acres or thereabouts. This property was owned by two persons, *viz.*, Burjorji Goostadji and Cooverbai Homi Karani. Thereafter, this duo sold the property to one Sorabji, who, in turn, leased out the property to the Government for a period of five years. Further lease was granted and in 1939, Sorabjee applied to the Cantonment Board, Poona, seeking permission to undertake certain building work in the suit property and after exchange of some letters, permission was granted and on Sorabjee's demise, his son Kavasji inherited the property. At this juncture, the jurisdictional Collector, in and by an order dated 08.06.1943, requisitioned the property under the Defence of India Rules, 1939, and



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requisitioned handing over of the same to military authorities. Thereafter, on 23.03.1946, there was a de-requisition but on 05.08.1948, the Collector, once again, requisitioned the suit property but in this order, it was clearly mentioned that Kavasji is the owner of the suit property. Kavasji filed a writ petition in Bombay High Court seeking restoration and repossession of suit property. Bombay High Court allowed the writ petition and directed restoration to Kavasji but the Government of India did not vacate the suit property. Thereafter, there were further proceedings holding that the suit property was held under old grant which stood resumed. Kavasji assailed this, the matter was carried to Hon'ble Supreme Court after orders of Bombay High Court and in this context, Hon'ble Supreme Court referred to **Padmavati Devi** principle (paragraph 48 of **Kavasji**) and ultimately held that whenever questions of ownership of rights of the parties will have to be gone into by the Court concerned, it shall be decided strictly on pleadings. Hon'ble Supreme Court clearly held that the appellant (Kavasji) had raised a *bona*



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fide dispute of question of ownership of the suit property and the respondent/State did not have jurisdiction to invoke powers under the Public Premises Act by resorting to summary procedure. The factual matrix in the case on hand is completely different as would be evident from the narrative of factual matrix in **Kavasji** case and therefore, **Kavasji** case also does not come to the aid of the writ petitioner.

(vii). Reverting to the impugned order, R1 has adverted to the aforereferred 1970 sale deed as well as resolution of the local body and has found that said land having been classified as 'road', cannot be transferred by private parties, it is of no avail and on that basis, 'final orders' were passed within the meaning of proviso to Section 128(1)(b) of 'the Tamil Nadu Urban Local Bodies Act (Act 9 of 1999)' (hereinafter 'TNULB Act' for the sake of convenience and clarity). Section 128 of the TNULB Act reads as follows:

'128. Power to remove encroachment from public place. -
(1) The Commissioner may, -



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(a) remove without any notice any movable temporary structure, enclosure, stall, booth, any article whatsoever hawked, exposed or displayed for sale or any other thing whatsoever by way of encroaching street or public place or the [land belonging to or vested with the municipality] with the municipal limit;

(b) remove any immovable structure whether permanent or of temporary nature encroaching the street or public place or the [land belonging to municipality or vested with the municipality] within the municipal limit, after issuing a show cause notice for such removal, returnable within a period of seven days from the date of receipt thereof:

Provided that the Commissioner shall consider any representation received within the time limit, before passing final orders.

(2) Whoever makes any encroachment in any land or space (not being private property) in any public street or any [land belonging to or vested with the municipality] within the municipal limit, shall, on conviction, be punished with imprisonment which shall not be less than one year but which may extend to three years and with fine which may extend to [fifty thousand rupees]:

Provided that the Court may, for any adequate or special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than one year.'

(viii). Therefore, this Court is of the considered view that it cannot be gainsaid that R1 has decided title *qua* said land. R1 has merely adverted to the revenue records and come to the conclusion that said land was always classified as 'road' and continues to remain as 'road'. It is, in this context, that R1 has held that purported conveyance or transfer of possessory right is of no avail.



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This, in the considered view of this Court, cannot be construed as deciding title. In this regard, this Court deems it appropriate to write that any private individual or private entity can transfer any land in favour of another private individual or private entity by executing a document. That, by itself, will not confer any title, much less, any right in favour of vendee. It is deemed appropriate to reiterate that it is the stated position of the writ petitioner that patta has not been obtained either by writ petitioner, writ petitioner's spouse or M.J.Sundar Raj and not even Chakravarthy Iyengar, for that matter. If an order akin to the impugned order is interfered with in writ jurisdiction on the ground that it is usurpation of rights of a Civil Court regarding deciding title, it may lead to a situation where no public land occupied by encroachers can be dealt with under summary procedure under the said 1905 Act, the TNULB Act and/or any other similar Act which provides for summary procedure. The principle that parties should be relegated to Civil Court will apply only when a *bona fide* dispute of title arises.



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WEB COPY 11. *Ergo*, the sum sequitur is, captioned main WP is dismissed.

Consequently, captioned writ miscellaneous petition thereat also perishes with the main WP, *i.e.*, captioned writ miscellaneous petition is also dismissed. There shall be no order as to costs.

(M.S., J.) (K.G.T., J.)
17.03.2025

cad
Index : Yes/No
NC : Yes/No



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W.P. No.8215 of 2025

M.SUNDAR, J.

and

K. GOVINDARAJAN THILAKAVADI, J.

cad

To:

1. The Commissioner
Sholinghur Municipality
Ranipet District
2. The Tahsildar
Sholinghur
Ranipet District

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17.03.2025

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