



W.P.No.9205 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 16.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.SUNDAR
and
THE HONOURABLE MR. JUSTICE HEMANT CHANDANGOUDAR

W.P.No.9205 of 2023
&
W.M.P.No.9326 of 2023

Maragathavalli ... Petitioner

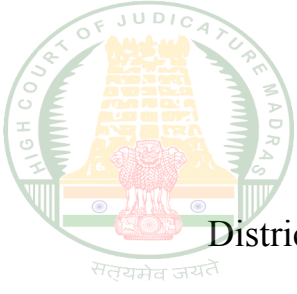
vs.

1. The District Collector
Thiruvannamalai District
Thiruvannamalai
2. The Tahsildar
Keelpennathur Taluk
Keelpennathur
Thiruvannamalai District
3. The Block Development Officer
Thurinjapuram Panchayat Union
Thurinjapuram
Thiruvannamalai District

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus forbearing the respondents from evicting and taking possession of her dwelling house situated in Survey No.303/2, Vedanthavadi Village and Post, Keelpennathur Taluk, Thiruvannamalai

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District.

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For petitioners : Mr.D.Rajagopal

For Respondents : Mr. T.K.Saravanan
Additional Government Pleader

ORDER

[Order of the Court was made by M.SUNDAR, J.]

The case of the writ petitioner is that she has put up a dwelling house in 'S.No.303/2 of Vedanthavadi Village and Post, Keelpennathur Taluk, Thiruvannamalai District' [hereinafter 'said land' for the sake of convenience and clarity], which even according to the writ petitioner is classified as 'Tharissu' vide revenue records.

2. The grievance of the writ petitioner is that she has not been put on notice and given an opportunity.

3. Adverting to a 'communication signed by R3 on 10.03.2023 and sent to R2, being communication bearing reference ந.க.எண்.285/2023/உஅ3' [hereinafter 'said communication' for the sake of convenience], which



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has been placed before us by the writ petitioner as part of the typed-set of papers, learned State counsel submits that proceedings under 'the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity} will be kick started and the same is in the anvil. This means that the writ petitioner will be show-caused vide Section 7 of said 1905 Act followed by an order under Section 6 of said 1905 Act if the writ petitioner chooses to respond to Section 7 notice.

4. In this regard, before proceeding further, it is deemed appropriate to write that this Court, in ***C.Gopinathan*** case reported in **2025:MHC:1162** (order dated 29.04.2025 in W.P.Nos.8355 and 8357 of 2022 and W.M.P. Nos.8324 and 8237 of 2022 thereat), respectfully following ***Girnar*** principle, *i.e.*, declaration of law made by a Constitution Bench of the Hon'ble Supreme Court in ***Girnar Traders (3) vs. State of Maharashtra*** reported in **(2011) 3 SCC 1**, held that said 1905 Act is a self contained Code. ***Girnar*** principle is that if a statute provides for a complete machinery to deal with the purpose sought to be achieved by that law and its dependence on other legislations is either absent or minimal, such a statute is a self contained Code.



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WEB COPY 5. The ecosystem of said 1905 Act, i.e., the purpose sought to be achieved by said 1905 Act is to lay down procedure for eviction of encroachment of lands belonging to the Government. As regards said 1905 Act, *inter alia*, there is a provision to have the alleged encroacher show caused under Section 7 of said 1905 Act followed by an order under section 6 (considering the cause shown). The order under Section 6 is appealable. Section 10 is the appeal provision and inter-alia District Collector is the appellate authority and there is a provision for further revision to the Government under Section 10-A of said 1905 Act. Pending appeal / revision, there is a provision for making interim prayer *vide* Section 10-B of said 1905 Act. This order of Revisional Authority is obviously subject to judicial review. This is the legal architecture of the machinery put in place to deal with the purpose sought to be achieved by said 1905 Act. Such a three-tier machinery has been put in place to check unauthorised occupation of lands which are the properties of the Government (besides imposition of penal or prohibitory assessment or charge), after giving adequate and ample opportunity to a person who is alleged to be in occupation of public roads,



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streets, lanes and paths, bridges, ditches, dikes and fences, rivers, streams, nalas, lakes, tanks and such other properties of Government.

6. The purpose sought to be achieved by said 1905 Act and the architecture of the machinery put in place to achieve the same when tested on the touchstone of *Girnar* principle leaves us with the view that said 1905 Act is a self contained Code which provides for complete machinery to deal with the purpose sought to be achieved with no dependence on other legislations or at the highest minimal dependence on other legislations. Suffice to say that said 1905 Act is clearly a self-contained Code.

7. The stated position of the learned State counsel is recorded and this in our view will suffice for giving a closure to the captioned main WP. We make it clear that coercive action, if any and if that be so, will be subject to proceedings under said 1905 Act, which according to learned State counsel, is in the anvil. This douses the anxiety of the writ petitioner. The sequitur is captioned WMP becomes otiose.



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Captioned WP disposed of as closed recording the stated position of

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the learned State counsel. Captioned WMP is disposed of as closed having

become otiose. There shall be no order as to costs.

[M.S., J.]

[H.C., J.]

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Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order
gpa

To

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2. The Tahsildar
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M.SUNDAR, J.
and
HEMANT CHANDANGOUDAR, J.

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