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W.P.Nos.11065 and 11069 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2025

CORAM

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

W.P.Nos.11065 and 11069 of 2025
and
W.M.P.No.12476 of 2025 in W.P.No.11065 of 2025
and
W.M.P. No.12481 of 2025 in W.P.No.11069 of 2025

S.Palaniyarasu

... Petitioner in
W.P.No.11065 of 2025

S.Babu

... Petitioner in
W.P.No.11069 of 2025

vs.

1. The State of Tamil Nadu
Rep. By Secretary to Government,
Revenue Department,
Fort St.George,
Secretariat, Chennai – 600 009.
2. The Director,
Department of Town and Country Planning,
Anna Salai, Chennai – 600 002.
3. The District Collector,
Chennai District,
Chennai – 600 001.

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4.The Commissioner,
Corporation of Chennai,
Rippon Building, Chennai – 600 003.

5.The Tahsildar,
Thiruvottiyur Taluk,
Chennai District.

6.The Executive Engineer,
Zone-01, Corporation of Chennai,
Thiruvottiyur, Chennai – 600 019.

... Respondents in
both WPs

Writ Petitions filed under Article 226 of The Constitution of India
praying to issue a Writ of Certiorari to call for the records pertaining to
the impugned order dated 17.03.2025 made in
Na.Ka.No.J15/2912179/2025 passed by the third respondent and to
quash the same.

For Petitioner : Mr.C.Prabakaran
in both WPs

For Respondents : Mr.T.K.Saravanan
Addl. Govt. Pleader
for R1 to R3 and R5

Mr.D.B.R.Prabhu
Standing counsel for R4 and R6



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COMMON ORDER

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

When the captioned 'Writ Petitions' (hereinafter WPs for the sake of brevity) were taken up, both Mr.C.Prabakaran, learned counsel on record for writ petitioners, Mr.T.K.Saravanan, learned Additional Government Pleader, who accepts notice for R1, R2, R3 and R5 and Mr.D.B.R.Prabhu, learned standing counsel, who accepts notice for R4 and R6 are before us on our issuing notice today, submit in one voice that the captioned matters are directly and squarely covered by an order dated 20.03.2025 made in W.P. No.10270 of 2025 which reads as follows:

'IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2025

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

W.P.No.10270 of 2025

&

W.M.P.No.11572 of 2025 in W.P.No.10270 of 2025

1. *M.Shanmugam*
S/o.P.Munusamy
2. *M.Ponnu Vel*
S/o.P.Munusamy

... Petitioners



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W.P.Nos.11065 and 11069 of 2025

VS.

1. *The State of Tamilnadu*
Rep. By Secretary to Government
Revenue Department
Fort St.George
Secretariat
Chennai - 600 009
 2. *The Director*
Department of Town and Country Planning
CMDA Office Complex, E & C Market Road
Koyambedu, Chennai - 600 107
 3. *The District Collector*
Chennai District
Chennai
 4. *The Regional Deputy Commissioner*
Greater Chennai Corporation (North Region)
No.945, T.H.Road, Tiruvottiyur
Chennai - 600 019
 5. *The Executive Engineer*
Zone-01, Corporation of Chennai
Thiruvattiyur, Chennai - 600 019
 6. *The Assistant Engineer*
Division - 001
Corporation of Chennai
Thiruvottiyur, Chennai - 600 019
 7. *The Revenue Divisional Officer*
North Chennai Revenue Division
Chennai - 600 066
 8. *The Tahsildar*
Tiruvottiyur Taluk
Chennai - 600 019
- ... Respondents

*Writ Petition filed under Article 226 of The Constitution of India
praying to issue a Writ of Certiorari to call for the records pertaining*



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W.P.Nos.11065 and 11069 of 2025

to the impugned order dated 17.03.2025 made in Na.Ka.No.J15/2912179/2025 passed by the third respondent and to quash the same.

For Petitioners : Mr.C.Prabakaran

For Respondents : Mr.T.K.Saravanan
Addl. Govt. Pleader for R1,
R2, R3, R7 and R8

Mr.D.B.R.Prabhu
Standing counsel for R4, R5
and R6

ORDER

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

Captioned writ petition is filed with certiorari prayer assailing the order dated 17.03.2025 made in Na.Ka.No.J15/2912179/2025 passed by the third respondent herein.

2. It is the case of the petitioners that the petitioners and their neighbours are residing in the land belonging to the Government for the past several years and the same was regularized vide the proceedings of the District Collector, Kanchipuram dated 07.07.1989 in Ni.Mu.No.35829/89/N1. Thereafter, the petitioners and others have constructed houses and also obtained Electricity Service Connection, Drinking Water connection and sewage connection and are also paying the necessary charges including property tax to the competent authorities. While so, notice has been issued under 'the Tamil Nadu Urban Local Bodies Act, 1998 (Tamil Nadu Act 9 of 1999)' [hereinafter 'TNULB Act' for the sake of brevity] stating that the writ petitioners are encroachers in the said land and called upon the writ petitioners to remove the encroachment. Hence, the first writ petitioner filed a writ



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petition challenging the said notice in W.P.No.25899 of 2023. The said writ petition was disposed of on 01.09.2023 by setting aside the notice impugned therein and the matter was remitted back to the authorities concerned for fresh consideration. The petitioners have also sent representation to Respondents 2, 6 and 7 requesting to update the revenue records in respect of petitioners property, but no order has been passed till date. While so, the 8th respondent herein issued a notice under Section 7 of 'the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity}' and the same was challenged before this Court in W.P.No.789 of 2025. The said writ petition was dismissed as withdrawn giving liberty to file an appeal before the Appellate Authority and to canvass all his contentions before the Appellate Authority. Thereafter, the writ petitioners preferred an appeal before the Appellate Authority/third respondent under Section 10 of 'the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity}' along with stay petition under Section 10-B of said 1905 Act and the said appeal was rejected and according to writ petitioners, the official respondents are now attempting to dispossess the writ petitioners from the said land. Hence, the writ petitioners are constrained to file the above writ petition.

3. Issue notice.

4. Mr.T.K.Saravanan, learned Additional Government Pleader accepts notice for R1, R2, R3, R7 and R8 and Mr.D.B.R.Prabhu, learned Standing counsel accepts notice for R4, R5 and R6.

5. The learned State counsel submits that there is a provision for revision under said 1905 Act and without exhausting that remedy, the writ petitioners have approached this Court.



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6. Responding to the above submission made by learned State counsel, the learned counsel for writ petitioners undertakes to file a revision before the Revisional Authority within a period of 10 days from today i.e., on or before 01.04.2025.

7. Considering the limited scope of the captioned main WP, main WP was taken up with the consent of all the afore-referred learned counsel.

8. In view of the above stated position of learned State counsel as well as the writ petitioners, the following orders are passed:

a) The writ petitioners shall prefer a revision under Section 10-A of said 1905 Act before the competent authority along with stay petition under Section 10-B of said 1905 Act within a period of 10 days i.e., on or before 01.04.2025;

b) The revisional authority shall dispose of the stay petition on its own merits and in accordance with law within a period of two weeks therefrom i.e., on or before 15.04.2025. The time frame is only for the stay petition but it is open to the Revisional Authority to take up the revision and dispose of the same as expeditiously as the official business of Revisional Authority otherwise permits.

With the above directions, the present writ petition is disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.'

2. The operative portion of the order is paragraph 8 and both sides fairly agree that same order as in paragraph 8 will serve the purpose. Therefore, we make the following order:



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8. In view of the above stated position of learned State counsel as well as the writ petitioners, the following orders are passed:

a) The writ petitioners shall prefer a revision under Section 10-A of said 1905 Act before the competent authority along with stay petition under Section 10-B of said 1905 Act within a period of 10 days i.e., on or before 01.04.2025;

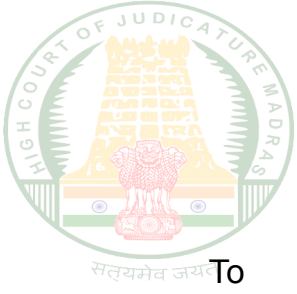
b) The revisional authority shall dispose of the stay petition on its own merits and in accordance with law within a period of two weeks therefrom i.e., on or before 15.04.2025. The time frame is only for the stay petition but it is open to the Revisional Authority to take up the revision and dispose of the same as expeditiously as the official business of Revisional Authority otherwise permits.

3. Captioned WPs are disposed of in the aforesaid manner. Consequently, captioned Writ Miscellaneous Petitions (WMPs) thereat are disposed of as closed. There shall be no order as to costs.

(M.S.,J.) (K.G.T.,J.)
27.03.2025

Index : Yes/No
Neutral Citation : Yes/No
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P.S.: UPLOAD FORTHWITH



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- To
1. The Secretary to Government,
Revenue Department,
Fort St.George,
Secretariat, Chennai – 600 009.
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W.P.Nos.11065 and 11069 of 2025

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

mmi

W.P.No.11065 and 11069 of 2025

27.03.2025