



W.P.No.12075 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 17.07.2025

CORAM

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

W.P.No.12075 of 2024
&
W.M.P.No.13174 of 2024

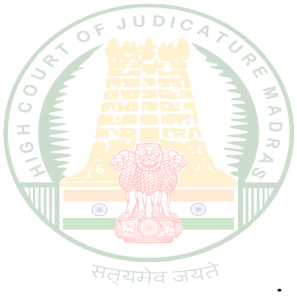
V.Vijaya

... Petitioner

Vs.

1. The District Collector
Thiruvallur District
Thiruvallur
2. The Tahsildar
Poonamallee
Chennai - 600 056
3. The Revenue Inspector
Poonamallee
Chennai - 600 056
4. The Elementary Education Officer
Thiruvallur District
Thiruvallur
5. B.Manoharan

... Respondents



W.P.No.12075 of 2024

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider and dispose of the representation of the petitioner dated 29.03.2024 within a time frame as fixed by this Court and also to direct the respondents not to disturb the petitioner from the land and building S.No.82/1 being Door No.4/111C, Vaaniyar Street, Sennirkuppam, Poonamallee, Chennai - 600 056 comprised in Natham Survey No.81/1, New Survey No.153/44 measuring to an extent of 3025 sq.ft except under due process of law.

For Petitioner : Mr.A.V.Arun

For Respondents : Mr.T.K.Saravanan
Additional Government Pleader
for R1 to R4

Mr.D.Sreenivasan for R5

ORDER

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

Mr.A.V.Arun, learned counsel for writ petitioner, Mr.T.K.Saravanan, learned Additional Government Pleader for R1 to R4 and Mr.D.Sreenivasan, learned counsel for R5, who is instructed by R5, are before us.



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2. With the consent of all the aforementioned learned counsel, main

WEB CO 'Writ Petition' ['WP' for the sake of brevity] was taken up and heard out.

3. There are two parcels of lands. One parcel of land is situate in S.No.82/1 and another parcel of land is situate in S.No.82/2A1L, both in 15 Sennirkuppam Village, Poonamallee Taluk, Tiruvallur District, the former shall be referred to as 'said land' and the latter shall be referred to as 'school land', both for the sake of brevity and convenience.

4. State initiated proceedings under 'the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity} as against the writ petitioner, the same culminated in an order dated 10.10.2018 made by R2 being an order under Section 6 of said 1905 Act. This order was assailed by writ petitioner by way of a writ petition being W.P.No.632 of 2019 and the same came to be disposed of by another Hon'ble Division Bench in and by an order dated 13.03.2019, which reads as follows:

'IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2019

CORAM :

The Hon'ble Mrs.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE



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W.P.No.12075 of 2024

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P.No.632 of 2019

V.Vijaya
Petitioner

..

-vs-

1.The District Collector,
Thiruvallur District,
Thiruvallur.

2.The Tahsildar,
Poonamallee,
Chennai – 600 056.

3.The Revenue Inspector,
Poonamallee,
Chennai – 600 056.

4.The Elementary Education Officer,
Thiruvallur District,
Thiruvallur.

5.The Assistant Engineer,
TANGEDCO,
Kumananchavadi Range,
Seneerkuppam,
Poonamallee,
Chennai – 600 056.

6.B.Mohan
Respondents

..

Petition filed under Article 226 of the Constitution of India
praying for issue of Writ of Certiorari calling for the records relating



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to notice dated 10.10.2018 in Na.Ka.No.395/2018/A1 on the file of the Tahsildhar, the 2nd respondent.

For Petitioner

Mr.R.Sugumaran

*For
Respondents*

*Mr.S.Kamalesh
Kannan
Government
Advocate
for respondent Nos.1
to 3*

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

Heard Mr.R.Sugumaran, learned counsel for the petitioner and Mr.S.Kamalesh Kannan, learned Government Advocate for respondent Nos.1 to 3.

2. The petitioner has preferred this petition being aggrieved by the notice dated 10.10.2018 issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905. The said notice is addressed to the mother of the petitioner viz., Ambika. By the said notice, the mother of the petitioner was directed to vacate the land within seven days from the date of receipt of the notice, failing which, it was stated that she would be evicted from the said land.

3. On going through the notice dated 10.10.2018, it is seen



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that it mentions the Survey Number as 82/2A1L. The land of the petitioner and his mother is situated in Survey No.82/1.

4. The learned Government Advocate states that as far as the land situated in Survey No.82/1 is concerned, no action is contemplated at this stage. The said statement of the learned Government Advocate is recorded.

5. In view of the above, no further orders are necessary in this writ petition and the writ petition is disposed of. No costs. Consequently, W.M.P.No.688 of 2019 is closed.

*(V.K.T., CJ.) (M.D., J.)
13.03.2019'*

5. The aforesaid order speaks for itself and therefore, we refrain from dilating on the same. To be noted, Mr.T.K.Saravanan, learned Additional Government Pleader for R1 to R4, on instructions, reiterates the stand taken in the earlier writ petition i.e., the stand of the State that it is concerned only with regard to school land.

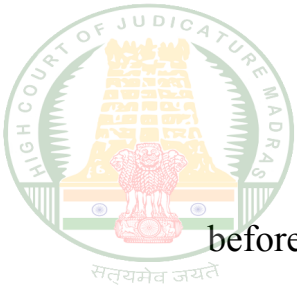


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6. Prior to the afore-referred earlier writ petition, the writ petitioner had filed a suit in O.S.No.138 of 2018 on the file of District Munsif Court, Poonamallee, in this suit private respondent (R5) before us is D1, D2 to D8 are other private respondents and D9 is State. This is a suit for permanent injunction qua possession and the suit property is said land. This suit, we are informed is in the trial stage and plaintiff's evidence is in progress, that the suit is in evidence stage and it is next scheduled to come up on 22.07.2025 before the trial Court is evident from the official e-Court website.

7. In the *interregnum*, the proceedings under said 1905 Act initiated against several individuals climbed upto the stage of statutory revision under Section 10-A of said 1905 Act and the revisional authority in and by an order dated 25.04.2019 dismissed the statutory revision. Eleven individuals assailed this order of the revisional authority by way of a writ petition being W.P.No.15031 of 2019 and this writ petition came to be dismissed (along with WMPs thereat) by another Hon'ble Division Bench in and by an order dated 22.03.2024. There is no dispute, contestation or disagreement



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before us that this 25.04.2019 order of the revisional authority pertains to school land. A careful perusal of the order made by the other Hon'ble Division Bench being order dated 22.03.2024, more particularly paragraph 10 thereof brings to light that there is a reference to an inspection report in which there is an adumbration of alleged encroachers and this adumbration includes writ petitioner, who has been described as Vijaya Venkatesan.

8. As the matter has climbed upto the stage of statutory revision under said 1905 Act, which is the last tier in the machinery qua self-contained code and the judicial review against the same has also sustained the order of the revisional authority, we deem it appropriate to refrain from writing anything qua school land but as the writ petitioner contends that in the guise of proceedings against the school land, said land is being interfered with, we make it clear that it is open to the writ petitioner to seek review of the afore-referred 22.03.2024 order made by other Hon'ble Division Bench in a manner known to law. It is not in dispute that law provides for a third party review. In this regard, all rights and contentions of the writ petitioner as well as R5 will stand preserved untrammelled by this order.



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WEB COPY 9. Learned counsel for R5 submits that as regards the school land, the same was gifted for a public purpose by his predecessor-in-title i.e., by his family and his only concern is that the school land should be used only for the purpose for which it was gifted and should not fall in the hands of encroachers. We are not expressing any opinion on whether it has fallen in the hands of encroachers and we are preserving the rights of the writ petitioner but for completion of facts we have recorded the stated position of R5.

10. Mr.A.V.Arun, learned counsel on record for writ petitioner submits that one sentence in paragraph 6 of the writ affidavit, which reads *'...Enraged with this he has been giving pinpricks to somehow grab the property...'* may please be considered as deleted. This submission is recorded.



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Captioned WP is disposed of as closed in the aforesaid manner with

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the aforesaid observations and preservations of rights. Consequently, captioned WMP thereat is also disposed of as closed. There shall be no order as to costs.

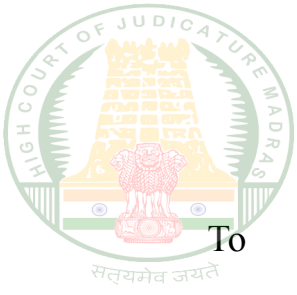
(M.S.,J.)

(H.C.J.)

17.07.2025

Index : Yes / No

Neutral Citation : Yes / No
gpa



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To

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**M.SUNDAR, J.,
and
HEMANT CHANDANGOUDAR, J.,**

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