



W.P.No.14086 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MRS.JUSTICE **K.GOVINDARAJAN THILAKAVADI**

W.P.No.14086 of 2025

and

W.M.P No.15838 of 2025 in W.P. No.14086 of 2025

Mrs.Jayanthi
W/o.Rajendran

... Petitioner

VS.

1. The Addl. Chief Secretary,
Revenue Department,
Fort St. George,
Secretariat, Chennai - 600 009.
2. The Principal Secretary
and Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai - 600 005.
3. The District Collector,
Thiruvannamalai District,
Thiruvannamalai.
4. The Tahsildar,
Thiruvannamalai Taluk,
Thiruvannamalai District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus calling for the

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records relating to the proceedings in G1/5581/2022 dated 07.04.2025 passed by the fourth respondent as illegal, arbitrary, void abinitio with respect to the petitioner's property comprised in Town Survey No.1721/8 to an extent of 540 sq.ft. situated at Ward No.2, Block No.27, Door No.2, Vediappan Street, Thiruvannamalai Town, Thiruvannamalai District.

For Petitioner : Mr.K.Dhananjayan

For Respondents : Mr.M.S.Arasakumar,
Government Advocate

ORDER

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

Subject matter of captioned 'Writ Petition' (hereinafter 'WP' for the sake of brevity) is a 'property situate in T.S.No.1721/8 admeasuring 540 sq.ft. or thereabouts in Ward No.2, Block No.27, Door No.2, Vediappan Street, Thiruvannamalai Town, Thiruvannamalai District' (hereinafter 'said property' for the sake of convenience and clarity).

2. Short facts are that one 'Srinivasa Alaya Neernilai Meetpui Arakkattalai' (hereinafter 'said Arakattalai' for the sake of convenience and clarity) filed a writ petition in W.P.No.26336 of 2019 with a prayer



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for removal of alleged encroachment and demolition of unlawful constructions; that this earlier writ petition was predicated on a representation dated 08.08.2019 sent by said Arakattalai; that this writ petition came to be disposed of by another Hon'ble Division Bench in and by an order dated 12.02.2021 directing the representation to be disposed of by way of a speaking order within a time frame after providing a reasonable opportunity to affected parties; that this resulted in commencement of proceedings under 'The Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity} inter-alia by issue of a show cause notice under Section 7 of said 1905 Act and the same culminated in an 'order made by R3 (Appellate Authority) being order dated 29.01.2025 bearing reference Na.Ka.No.Aa2/24844/2019' (hereinafter 'said R3 order' for the sake of convenience and clarity); that pursuant to said R3 order, R4 issued a notice dated 07.04.2025 bearing reference G1/55B1/2022 fixing 17.04.2025 as the date for removal of encroachment; that the '07.04.2025 notice issued by R4' shall hereinafter be referred to as 'impugned notice'; that assailing impugned notice captioned WP has been filed; that in the captioned WP, there is a challenge to the impugned notice alone which means



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that it is a writ of certiorari but it has been styled as writ of certiorarified mandamus; that the captioned main WP along with captioned Writ Miscellaneous Petition (hereinafter WMP for the sake of brevity) thereat are before us.

3. Mr.K.Dhananjayan, learned counsel on record for writ petitioner advertng to the impugned notice inter-alia submitted that the writ petitioner has preferred a statutory revision under Section 10-A of said 1905 Act [10-A(1)(c)] and the same is pending.

4. Issue notice to respondents.

5. Mr.M.S.Arasakumar, learned Government Advocate accepted notice for respondents and submitted that said R3 order has been duly served on the writ petitioner on 14.02.2025. Writ petitioner has filed a statutory revision belatedly (statutory revision dated 15.04.2025) with a Condonation of Delay (CoD) prayer seeking condonation of 60 days delay.

6. This Court carefully considered the submissions of both sides. As it comes to light that the scope of the captioned main WP is very

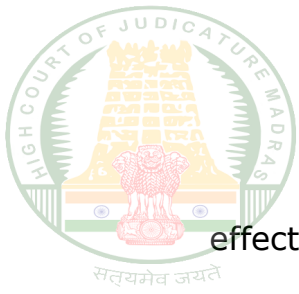


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limited, with the consent of learned counsel on both sides, main WP is taken up in the Admission Board.

7. This Court has repeatedly held that said 1905 Act is a self-contained Code. The reason *inter-alia* is that there is a provision to have the alleged encroacher show caused under Section 7 of said 1905 Act followed by an order (considering the cause shown). The order under Section 6 is appealable under Section 10 [District Collector is the appellate authority] and there is a provision for further revision to the Government under Section 10-A [Section 10-A(1)(c) to be precise] of said 1905 Act. Pending appeal / revision, there is a provision for making interim prayer vide Section 10-B of said 1905 Act. Therefore, said 1905 Act is a self-contained Code in every sense of the expression.

8. Writ petitioner having been served with said R3 order (dated 29.01.2025) on 14.02.2025 has to blame herself for having filed statutory revision belatedly. To put it differently, the impugned notice has been issued after expiry of thirty days time frame provided under said 1905 Act for filing statutory revision and therefore we find no infirmity in the impugned notice. As regards merits, as there is an



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effective and efficacious alternate remedy, other points urged/set out in the writ affidavit were not canvassed.

9. Though obvious, we make it clear that it is open to R1 to consider the statutory revision along with CoD and stay petition on its own merits and in accordance with law *de hors* the instant order.

10. Ergo, sequitur is, captioned main WP is one where a writ of certiorari cannot be issued. Further sequitur is, captioned WP is dismissed. Consequently captioned WMP thereat also perishes with the captioned main WP and captioned WMP is also dismissed. There shall be no order as to costs.

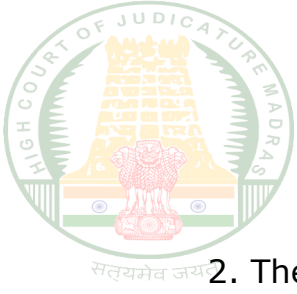
(M.S.,J.) (K.G.T.,J.)
17.04.2025

Index : Yes/No
Neutral Citation: Yes/No
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To

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Revenue Department
Fort St. George
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**M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,**

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