



W.P.No.13609 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2025

WEB COPY

CORAM

THE HONOURABLE MR. JUSTICE M.SUNDAR

and

THE HONOURABLE MR. JUSTICE HEMANT CHANDANGOUDAR

W.P.No.13609 of 2024 and W.M.P. Nos.14758 and 14760 of 2024

Suddha Sanmarga Nilayam

Petitioner

vs.

1. The District Collector
Cuddalore District
Cuddalore

2. The Tahsildar
Vridhachalam Taluk
Cuddalore District

3. The President
South Seplanatham
Vridhachalam Taluk
Cuddalore District

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records of the third respondent made in his proceedings dated 06.05.2024 and quash the same as it is without jurisdiction and consequentially, direct the respondents not to proceed further until the petitioner's application for grant of patta in Survey No.130/2A3 of Serakuppam Village, Kamapuram Union, Cuddalore District is decided by the respondents.

Page Nos.1/6



WEB COPY



W.P.No.13609 of 2024

For petitioner	Mr. R. Gokulnath
For RR 1 & 2	Mr. T.K. Saravanan Addl. Govt. Pleader
For R3	Ms. K. Mumtha for Mr. R. Thirumoorthy

ORDER

[made by M.SUNDAR, J.]

Captioned main 'writ petition' (hereinafter 'WP' for the sake of brevity) has been filed with a prayer for issue of a writ of certiorari assailing a notice/order dated 06.05.2024 issued by R3 (President, South Seplanatham, Vridhachalam Taluk, Cuddalore District).

2. Mr. R. Gokulnath, learned counsel on record for writ petitioner, is before us.

3. At the outset, we find that R3 does not have competence to issue the impugned notice/order. Powers under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' (for brevity 'said 1905 Act') are vested in:

- i. Collector;
- ii. Tahsildar subject to control of Collector;
- iii. Deputy Tahsildar subject to control of Collector; and



WEB COPY



W.P.No.13609 of 2024

- iv. Authorized officer being any other officer authorized by the State Government in this behalf, *i.e.*, 'authorised officer' subject to the control of the Collector.

4. There is no dispute before this Court that R3 is not an 'authorised officer' within the meaning of Section 6 of said 1905 Act. In this view of the matter, this Court has no hesitation in writing that the impugned notice/order deserves to be dislodged.

5. We make it clear that all questions raised by the writ petitioner in the writ support affidavit are left open for being raised by the writ petitioner if a notice is issued afresh or any other proceedings are commenced.

6. As regards the mandamus limb, learned State counsel for RR 1 and 2 very fairly submits that the writ petitioner's application for grant of patta *qua* Survey No.130/2A3 of Serakuppam Village, Kamapuram Union, Cuddalore District, has been processed, is under active consideration at an advanced stage and even issuance of patta is in the anvil. Learned State counsel adds that issuance of patta, if that be so, will be subject to payment of prescribed amount. This submission is recorded and it will suffice to write that the proceedings



W.P.No.13609 of 2024

qua patta will be carried to their logical end on their own merits and in accordance with law. We do so.

WEB COPY

7. In the light of the narrative thus far, impugned notice/order is interfered with and set aside on the short point of jurisdiction.

8. Captioned WP stands disposed of in the aforesaid manner. In view of setting aside of impugned notice/order, captioned writ miscellaneous petitions thereat are disposed of as closed, the same having become otiose. There shall be no order as to costs.

(M.S., J.) (H.C., J.)
17.06.2025

cad
Index : Yes/No
N.C. : Yes/No



W.P.No.13609 of 2024

WEB COPY

- To
1. The District Collector
Cuddalore District
Cuddalore
 2. The Tahsildar
Vridhachalam Taluk
Cuddalore District
 3. The President
South Seplanatham
Vridhachalam Taluk
Cuddalore District



WEB COPY



W.P.No.13609 of 2024

M.SUNDAR, J.

and

HEMANT CHANDANGOUDAR, J.

cad

W.P.No.13609 of 2024

17.06.2025

1/2

Page Nos.6/6