



W.P.Nos.19421, 19424, 19439, 19448, 19455, 19496, 19499, 19523 & 19579 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 09.06.2025

CORAM

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

and

THE HONOURABLE MR.JUSTICE **P.DHANABAL**

**W.P.Nos.19421, 19424, 19439, 19448, 19455, 19496, 19499, 19523 &
19579 of 2025**

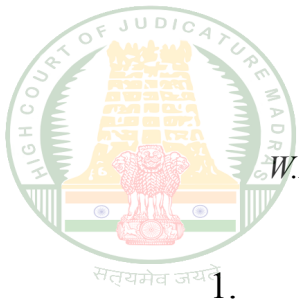
and

**W.M.P.Nos.21677, 21678, 21683, 21684, 21706, 21713, 21722, 21727,
21739, 21742, 21787, 21788, 21791, 21792, 21827, 21828, 21916 & 21917
of 2025**

T.Kathirvel	... Petitioner in W.P.No.19421 of 2025
A.Ravi	... Petitioner in W.P.No.19424 of 2025
Latha Bai	... Petitioner in W.P.No.19439 of 2025
G.Arumugam Pillai	... Petitioner in W.P.No.19448 of 2025
M.Gobaising	... Petitioner in W.P.No.19455 of 2025
D.Krishnamoorthy	... Petitioner in W.P.No.19496 of 2025
V.Vasudevan	... Petitioner in W.P.No.19499 of 2025
R.Gogulakrishnan	... Petitioner in W.P.No.19523 of 2025
K.Gokulraj	... Petitioner in W.P.No.19579 of 2025

vs.

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1. The Government of Tamil Nadu
Rep. by its
Principal Secretary to Government
Revenue and Disaster Management Department
Fort St.George,
Chennai-600 009.
 2. The District Collector
Kancheepuram District
Vandavasi Road
Kancheepuram - 631 001.
 3. The Tahsildar
Uthiramerur
Kancheepuram.
 4. The Revenue Inspector
Thirupulivanam
Kancheepuram.
- ... Respondents in all WPs

Writ Petition No.19421 of 2025 filed under Article 226 of the Constitution of India seeking a Writ of Certiorari, to call for the records pertaining to impugned order passed by the 1st Respondent in G.O. (4D) No.10, Revenue and Disaster Management Department dated 23.09.2024 in dismissing the petitioner's Revision Petition under Section 10 (A) (1) (c) of the Tamil Nadu Land Encroachment Act, 1905 and confirming the order dated 28.10.2022 passed by the 2nd respondent in Sc.Mu.Na.Ka. No.1183/2022 /A4 and 3rd Respondent in Na.Ka.No.1826/ 2022/A2 dated 03.06.2022 and quash the same as illegal, arbitrary , and violative of the principles of natural justice and further direct the respondents to consider the petitioner's application for grant of patta for the lands measuring 0.66



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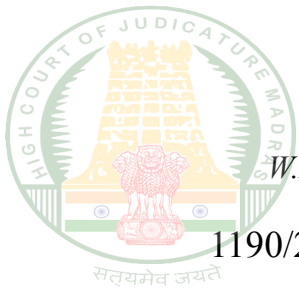
acres in survey No.12/2 situated at Vengachery Village, Kancheepuram District.

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Writ Petition No.19424 of 2025 filed under Article 226 of the Constitution of India seeking a Writ of Certiorari, to call for the records pertaining to impugned order passed by the 1st Respondent in G.O. 470, Revenue and Disaster Management Department dated 05.09.2023 in dismissing the petitioner's Revision Petition under Section 10 (A) (1) (c) of the Tamil Nadu Land Encroachment Act, 1905 and confirming the order dated 04.11.2022 passed by the 2nd respondent in Se.Mu.Na.Ka. No.1192/2022/A4 and 3rd Respondent in Na.Ka.No.1826/2022/A2 dated 03.06.2022 and quash the same as illegal, arbitrary and violative of the principles of natural justice and further direct the respondents to consider the petitioner's application for grant of patta for the lands measuring 0.66 acres in survey No.12/2 situated at Vengachery village, Kancheepuram District.

Writ Petition No.19439 of 2025 filed under Article 226 of the Constitution of India seeking a Writ of Certiorari, to call for the records pertaining to impugned order passed by the 1st Respondent in G.O.(4D) No.497, Revenue and Disaster Management Department dated 27.09.2023 in dismissing the Petitioner's Revision Petition under Section 10(A)(1)(c) of the Tamil Nadu Encroachment Act, 1905 and confirming the order dated 04.11.2022 passed by the 2nd Respondent in Su.Mu.Na.Ka.No.

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1190/2022/A4 and 3rd Respondent in Na.Ka.No.1826/2022/A2 dated 03.06.2022 and quash the same as illegal, arbitrary, and violative of the principles of natural justice and further direct the Respondents to consider the Petitioner's application for grant of patta for the lands measuring an extent of 0.40 hectares bearing Survey No.9/2 in Vengachery Village, Thirupulivanam Circle, Uthiramerur Taluk, Kancheepuram District and pass such other orders.

Writ Petition No.19448 of 2025 filed under Article 226 of the Constitution of India seeking a Writ of Certiorari, to call for the records pertaining to impugned order passed by the 1st Respondent in G.O.(4D) No.498, Revenue and Disaster Management Department dated 27.09.2023 in dismissing the petitioner's Revision Petition under Section 10(A)(1)(c) of the Tamil Nadu Land Encroachment Act, 1905 and confirming the order dated 04.11.2022 passed by the 3rd Respondent in Sc.Mu.Na.Ka.No. 1183/2022/A4 and 3rd Respondent in Na.Ka.No.1826/2022/A2 dated 03.06.2022 and quash the same as illegal, arbitrary, and violative of the principles of natural justice and further direct the Respondents to consider the Petitioner's application for grant of patta for the lands measuring 1.61.0 hectares bearing Survey Nos. 35/3, 35/4, 35/6, 36 in Vengachery Village, Thirupulivanam Circle, Uthiramerur Taluk, Kancheepuram District.

Writ Petition No.19455 of 2025 filed under Article 226 of the



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Constitution of India seeking a Writ of Certiorari, to call for the records pertaining to impugned order passed by the 1st Respondent in G.O.(4D) No.489, Revenue and Disaster Management Department dated 20.09.2023 in dismissing the Petitioner's Revision Petition under Section 10(A)(1)(c) of the Tamil Nadu Land Encroachment Act, 1905 and confirming the order dated 03.11.2022 passed by the 3rd Respondent in Sc.Mu.Na.Ka.No. 2096/2022/A4 and 3rd Respondent in Na.Ka.No.1826/2022/A2 dated 03.06.2022 and quash the same as illegal, arbitrary, and violative of the principles of natural justice and further direct the Respondents to consider the Petitioner's application for grant of patta for the lands measuring 0.30 hectares bearing Survey Nos. 9/2 in Vengachery Village, Thirupulivanam Circle, Uthiramerur Taluk, Kancheepuram District.

Writ Petition No.19496 of 2025 filed under Article 226 of the Constitution of India seeking a Writ of Certiorari, to call for the records pertaining to impugned order passed by the 1st Respondent in G.O.502, Revenue and Disaster Management Department dated 03.10.2023 in dismissing the petitioner's Revision Petition under Section 10 (A) (1) (c) of the Tamil Nadu Land Encroachment Act, 1905 and confirming the order dated 19.07.2022 in S.M.Na.Ka.No.11313/2022/A4 and 3rd Respondent in Na.Ka. No.1826/2022/A2 dated 03.06.2022 and quash the same as illegal, arbitrary, and violative of the principles of natural justice and further direct the respondents to consider the petitioner's application for grant of patta for the lands measuring 0.30.0 hectares in survey No.5/7



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situated at vengachery village, Kancheepuram District.

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Writ Petition No.19499 of 2025 filed under Article 226 of the Constitution of India seeking a Writ of Certiorari, to call for the records pertaining to impugned order passed by the 1st Respondent in G.O.No. 354, Revenue and Disaster Management Department dated 10.09.2024 in dismissing the petitioner's Revision Petition under Section 10 (A) (1) (c) of the Tamil Nadu Land Encroachment Act, 1905 and confirming the order dated 11.01.2023 passed by the 2nd respondent and 3rd Respondent in Na.Ka.No.1826/2022/A2 dated 03.06.2022 and quash the same as illegal, arbitrary, and violative of the principles of natural justice and further direct the respondents to consider the petitioner's application for grant of patta for the lands measuring of 3.44 Hectares in S.No.11/1 in Vengachery village, Thirupilivanam Circle, Uthiramerur Taluk, Kancheepuram District and land measuring an extent of 1.56 hectares in survey No.45/2 in Vengachery village, Thirupulivanam Circle, Uthiramerur Taluk, Kancheepuram District.

Writ Petition No.19523 of 2025 filed under Article 226 of the Constitution of India seeking a Writ of Certiorari, to call for the records pertaining to impugned order passed by the 1st Respondent in G.O.495, Revenue and Disaster Management Department dated 27.09.2023 in dismissing the petitioner's Revision Petition under Section 10 (A) (1) (c) of the Tamil Nadu Land Encroachment Act, 1905 and confirming the order dated 04.11.2022 passed by the 2nd respondent in Se. Mu. Na.Ka.



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No.1183/2022 /A4 and 3rd Respondent in Na.Ka.No.1826/2022/A2 dated 03.06.2022 and quash the same as illegal, arbitrary and violative of the principles of natural justice and further direct the respondents to consider the petitioner's application for grant of patta for the lands measuring 0.35.5 hectares (2 acres 47 cents) bearing Survey Nos.5/10 in Vengachery village, Thirupulivanam Circle, Uthiramerur Taluk, Kancheepuram District.

Writ Petition No.19579 of 2025 filed under Article 226 of the Constitution of India seeking a Writ of Certiorari, to call for the records pertaining to impugned order passed by the 1st Respondent in G.O.No.496, Revenue and Disaster management Department dated 23.09.2023 in dismissing the Petitioner's Revision petition under Section 10(A)(1)(c) of the Tamil Nadu land Encroachment Act, 1905 confirming the order dated 19.07.2022 in S.M.Na.Ka.No.11312/2022/4 3rd respondent in Na.Ka.No. 1826/2022/A2 dated 03.06.2022 and quash the same as illegal, arbitrary, and violative of the principles of natural justice and further direct the respondents to consider the Petitioner's application for grant of patta for the land measuring 0.43.5 hectares in Survey No. 4/7 situated in Vengachery Village, Thirupulivanam Circle, Uthiramerur Taluk, Kancheepuram District.

For Petitioner in all WPs : Mr.Abdul Hameed
Senior Counsel
for Ms.Revathi Manivannan
For Respondents in all WPs : Mr.T.K.Saravanan
Additional Government Pleader

COMMON ORDER



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

This common order will govern the captioned nine 'Writ Petitions' {hereinafter 'WPs' for the sake of brevity, convenience and clarity} and captioned 'Writ Miscellaneous Petitions' {hereinafter 'WMPs' for the sake of brevity, convenience and clarity} thereat.

2. Mr.A.Abdul Hameed, learned Senior Advocate, instructed by Ms.Revathi Manivannan, counsel on record for writ petitioners in all nine WPs are before us.

3. Mr.T.K.Saravanan, learned Additional Government Pleader for all respondents is also before us.

4. The main WPs were taken up and heard out with the consent of learned counsel on both sides as the matter turns on a very short point.

5. In all the nine WPs, 'nine separate orders made by R1 in the capacity of Revisional Authority, in statutory revisions under Section 10-A of 'the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity}} {hereinafter 'impugned orders' for the sake of brevity, convenience and clarity} have



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been assailed.

WEB COPY 6. Notwithstanding myriad grounds raised in the writ affidavit, learned Senior Counsel posited his argument on two short points and they are as follows:

(i) Personal enquiry was held by one officer but impugned orders have been made by another authority;

(ii) Written submissions have been filed and the same have either not been adverted to at all or extracted and reproduced with no discussion much less dispositive reasoning on the same.

7. Learned State Counsel submitted that there was change of officers owing to transfers in the course of the revisions but in any event impugned orders have been made by the respective officers based on the records before the Revisional Authority. It was also submitted that written submissions also form part of records.

8. We carefully considered rival submissions made on both sides.

9. Before we proceed further, we deem it appropriate to write that



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following **Girnar** Principle [**Girnar Traders (3) Vs. State of Maharashtra**

reported in (2011) 3 SCC 1] i.e., ratio laid down by a Constitution Bench of

Hon'ble Supreme Court, this Court has repeatedly held that said 1905 Act is

a self contained code. This is vide **order dated 29.04.2025 in W.P.Nos.8355**

and 8357 of 2022 reported in Neutral Citation [2025:MHC:1162] and

Relevant paragraph is paragraph No.7 which reads as follows:

'7. In Girnar Traders (3) Vs. State of Maharashtra reported in (2011) 3 SCC 1, a Constitution Bench of Hon'ble Supreme Court declared the law qua self contained Code and held that a statute which is a complete legislation with regard to the purpose for which it is enacted and provides for complete machinery to deal with purposes sought to be achieved by law with dependence on other legislations being absent or at best is minimal is a self contained Code. Applying Girnar principle, 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 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.'



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10. In the aforesaid view of the matter, statutory revisions vide Section 10-A of said 1905 Act is a very sanctus right and therefore, matters at hand have to be viewed in this aspect / this perspective. As this Court has no hesitation in taking the view that the Revisional orders have to be made by the same authority, who conducted personal enquiry and if there is a change of officer, a personal enquiry has to be held again by the officer, who makes the order.

11. Faced with the above situation, learned State Counsel submitted that it is necessary to have the legal drill of revision concluded as expeditiously as possible and submitted that the date, time and venue for personal enquiry qua nine revisions before the present incumbent qua R1 will be 21.07.2025 at 4.00 p.m. The venue will be the chambers of R1.

12. Learned counsel for writ petitioners very fairly submitted that writ petitioners will participate in the enquiry without seeking an adjournment.

13. We make it clear that it is open to R1 to reschedule personal enquiry if there is any other difficulty for R1 on the given day. To this, learned counsel for writ petitioners fairly submitted that writ petitioners will participate in the enquiry on the rescheduled date too without seeking an



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adjournment. This submission is also recorded.

WEB COPY 14. In the light of the narrative, discussion and dispositive reasoning

thus far, following order is made:

(a) Impugned orders are set aside on two short points i.e., that the same officer, who heard the matter i.e., held personal enquiry has not made impugned orders and that written submissions have either not been considered or merely extracted and reproduced without any discussion or dispositive reasoning;

(b) Axiomatic to the above, we deem it appropriate to write that we have not expressed any view or opinion on the merits of the matter as we are interfering qua impugned orders on the afore-referred short points;

(c) Further sequitur to the afore-referred two points is, all questions for both sides are left open and revisions shall now be heard out on its own merits and in accordance with law by R1 - Revisional Authority and orders shall be pronounced as expeditiously as possible;



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(d) Writ petitioners will not insist on separate notices

WEB COPY / communications regarding the aforementioned enquiry for participating in the same;

(e) Orders to be made in the aforementioned manner shall be served on the respective writ petitioners under due acknowledgement within seven working days of respective orders;

(f) Writ petitioners have resorted to Section 10-B of said 1905 Act, therefore, we deem it appropriate to write that coercive action (if any and if that be so) shall be subject to and depending on the outcome of the revision petitions;

(g) If outcome of revision petitions are adverse to writ petitioners, the same will be kept in abeyance for a fortnight from the date of service of orders in the revision petitions on the respective writ petitioners so as to provide a window to writ petitioners to seek judicial review, if so advised and if so desired;

(h) Conversely / likewise, writ petitioners also shall



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not raise any new crops in the lands which are subject

WEB COPY matter of 9 WPs.

Captioned 9 WPs allowed with the aforementioned observations and directives. Consequently, captioned WMPs thereat are disposed of as closed. There shall be no order as to costs.

(M.S.J.,)

(P.D.B.J.,)

09.06.2025

Index : Yes / No

Neutral Citation : Yes / No

Speaking / Non-speaking

mk

To

1. The Government of Tamil Nadu
Rep. by its
Principal Secretary to Government
Revenue and Disaster Management Department
Fort St.George,

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Chennai-600 009.

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2. The District Collector
Kancheepuram District
Vandavasi Road
Kancheepuram - 631 001.
3. The Tahsildar
Uthiramerur
Kancheepuram.
4. The Revenue Inspector
Thirupulivanam
Kancheepuram.



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**M.SUNDAR, J.,
and
P.DHANABAL, J.,**

mk

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