



W.P.No.22825 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2025

CORAM

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

and

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.22825 of 2024

and

W.M.P. No.24870 of 2024 in W.P.No.22825 of 2024

S.Srinivasan

... Petitioner

Vs.

1.The District Collector,
District Collectorate,
Perambalur – 621 212.

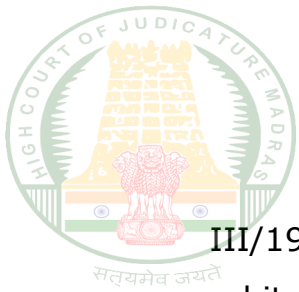
2.The Thasildar,
Perambalur Taluk,
Perambalur District.

3.The Revenue Inspector,
Kurumbalur, Perambalur District.

4.The Village Administrative Officer,
Ammapalayam Taluk,
Perambalur District.

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records in respect of the impugned notice issued by third respondent under Section 7 of Tamil Nadu Land Encroachment Act, 1905 (Act



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III/1905) dated 14.06.2024 and quash the same as illegal and arbitrary consequently directing the first respondent to consider the petitioner's representation dated 19.02.2024, 25.05.2024 to issue patta to the petitioner's house in Survey No.223/2 to the extent of 00060 square metre in Kalarampatti Village, Perambalur Taluk, Perambalur District within a time frame to be fixed by this Court.

For Petitioner : Mr.M.Anantharaj
for Mr.G.Kumaresan

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

ORDER

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

Captioned main 'Writ Petition' (hereinafter 'WP' for the sake of brevity) has been filed inter-alia assailing a notice signed on 04.06.2024 issued by R3 (Revenue Inspector, Kurumbalur, Perambalur District) {hereinafter 'impugned notice' for the sake of convenience and clarity}.

2. Impugned notice is 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} which is in the



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nature of show cause notice. The writ petitioner has responded to the impugned notice by a detailed 'response dated 18.06.2024' (hereinafter 'said response' for the sake of convenience and clarity). In and vide response, writ petitioner has inter-alia made a plea for issue of patta.

3. Mr.M.S.Arasakumar, learned Government Advocate for respondents submits that said response is under active consideration of R2 (Tahsildar, Perambalur District) and R2 will make orders under Section 6 of said 1905 Act and take into account the writ petitioner's plea for issue of patta.

4. This Court, respectfully following the **Girnar** principle being law declared by Hon'ble Supreme Court (Constitution Bench of Hon'ble Supreme Court in **Girnar Traders (3) vs. State of Maharashtra** reported in **(2011) 3 SCC 1**), has repeatedly held that said 1905 Act is a self contained Code. To be noted, **Girnar** principle is that if a statute provides for a complete machinery to deal with the purpose sought to be achieved by that law and its dependence on other legislations is either absent or minimal, such a statute is a self



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contained Code.

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5. Therefore, coercive action (if any and if that be so) will be subject to and depending on the orders to be made by R2 under Section 6 of said 1905 Act and subject of course to statutory appeal under Section 10 and statutory revision under Section 10-A, if any.

6. Ergo, the sequitur is, we are not dislodging the impugned notice but we make the aforementioned observation and give a closure to the captioned main WP. In the light of what we have written regarding coercive action (if any and if that be so), captioned Writ Miscellaneous Petition (WMP) thereat has become otiose and the same is disposed of as closed. There shall be no order as to costs.

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

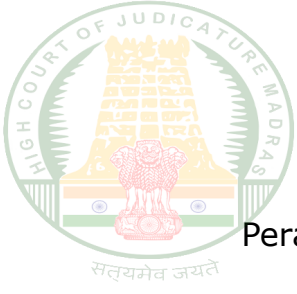
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Index : Yes / No
Neutral Citation : Yes / No
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**M.SUNDAR, J.,
and
HEMANT CHANDANGOUDAR, J.,**

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