



W.P.No.20691 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2025

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Coram

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **R.SAKTHIVEL**

W.P.No.20691 of 2024

Ramesh @ Vengadesan

.. Petitioner

VS

- 1.The District Collector,
Chengalpattu District,
District Collector Office, VOC Nagar,
Chengalpattu, Ammanambakkam,
Tamil Nadu 603 001.
- 2.The Revenue Divisional Officer,
Chengalpattu,
Office of the Revenue Divisional Officer,
VOC Nagar, Chengalpattu,
Ammanambakkam,
Tamil Nadu 603 001.
- 3.The Assistant Director, Chengalpattu
Land Survey Department,
District Collector Office, VOC Nagar,
Chengalpattu, Ammanambakkam,
Tamil Nadu 603 001.
- 4.The Tahsildar
Thiruporur Tahshildar Office,
Taluk Office Road,
Thiruporur,
Tamil Nadu 603 110.



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5.The Municipal Commissioner,
Thiruporur Town Panchayat Office,
Thiruporur, Tamil Nadu 603 110.

6.The Block Development Officer,
Thiruporur Block Development Office,
Thandalam, Tamil Nadu 603 105.

7.The Panchayat President
Thaiyur Village,
Thaiyur Panchayat Union Office,
Thaiyur, Tamil Nadu 603 103.

8.The Secretary,
Thaiyur Village,
Thaiyur Panchayat Union Office,
Thaiyur, Tamil Nadu 603 103.

9.Ishq @ Loganathan

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 to 8 to remove the encroachment made by the 9th respondent in a public road comprised in 308/14 measuring an extent of 23 feet Chinnama Nagar, Thaiyur Village, Chengalpattu – 603 103 situated in Thiruporur Taluk, Chengalpattu District blocking access to the petitioner's property situated at 309/6B, Chinnama Nagar, Thaiyur Village, Chengalpattu.

For Petitioner	:	Mr.S.Bala Ganesh
For Respondents	:	Mr.M.S.Arasa Kumar Government Advocate for R1 to R4 and R8 Mr.T.K.Saravanan Additional Government Pleader for R5 to R7



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ORDER

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

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Captioned 'Writ Petition' (hereinafter 'WP' for the sake of brevity) is listed under the cause list caption 'FOR DISMISSAL' owing to there being no representation for writ petitioner in the previous listing on 20.06.2025. Today, Mr.S.Bala Ganesh, learned counsel for writ petitioner expresses regret for missing the matter in the previous listing. Cause list caption 'FOR DISMISSAL' stands deleted and the matter is taken up for hearing.

2. Captioned WP has been filed with a prayer to mandamus official respondents R1 to R8 to remove alleged encroachment in 'Survey No.308/14 in Thaiyur Village, Thiruporur Taluk, Chengalpet District' (hereinafter 'said land' for the sake of convenience and clarity). Learned counsel for writ petitioner submits that said land is situate in what is referred to as Chinname Nagar, revenue classification of said land is 'public road' and learned counsel alleges that R9 has encroached upon said land. Repeated requests for removal of encroachment have not yielded results and that has necessitated the captioned WP is learned counsel's further say.

3. Issue notice to official respondents.



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4. Mr.M.S.Arasakumar, learned Government Advocate accepts notice for R1 to R4 and R8 and Mr.T.K.Saravanan, learned Additional Government Pleader accepts notice for R5 to R7.

5. Learned State counsel on instructions denies the allegation of inaction and says that proceedings have already been initiated inter-alia against R9 under 'The Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity} by virtue of show cause notice under Section 7 of said 1905 Act being notice dated 08.08.2023.

6. Learned State counsel submits that post Section 7 notice, an order under Section 6 of said 1905 Act has also been made by R4 (Tahsildar, Thiruporur).

7. Be that as it may, learned State counsel brings to the notice of this Court that R9 has filed a suit in 'O.S.No.326 of 2023 on the file of District Munsif cum Judicial Magistrate, Thiruporur' (hereinafter 'said suit' for the sake of convenience and clarity) against five private individuals (without making State a party) and obtained a bare injunction decree against five private parties qua



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said land. This Court ferreted out the details of said suit from the official e-courts website and scanned reproduction of the same are as follows:

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Case Status : Search by Case Number

This form needs JavaScript activated to work.

- [Case Number](#)
- [FIR Number](#)
- [Party Name](#)
- [Advocate Name](#)
- [Case Code](#)
- [Act](#)
- [Case Type](#)

All fields marked with * are required

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☒ Court Complex ☐ Court Establishment

Court Complex *
Select Court Complex

Case Type
--Select--

Case Number *
Type Case Number

Year *
Type year

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District Munsif cum Judicial Magistrate Court, Thiruporur

Serial Number	Case Type/Case Number/Case Year	Petitioner versus Respondent	View
1	OS/326/2023	N.LOGANATHAN AND OTHER Versus P.RAMESH AND OTHERS	View

District Munsif cum Judicial Magistrate, Thiruporur

Case Details

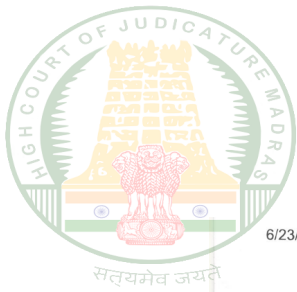
Case Type	Filing Number	Filing Date	Registration Number	Registration Date	CNR Number
OS - Original Suit	503/2023	13-04-2023	326/2023	13-04-2023	TNCG110015322023

Case Status

First Hearing Date	Decision Date	Case Status	Nature of Disposal	Court Number and Judge
13-April-2023	04-September-2023	Case Disposed	Contested - Decreed with cost	1-District Munsif cum Judicial Magistrate

Petitioner and Advocate

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- 1) N.LOGANATHAN AND OTHER
Advocate - M.AMUL
- 2) R.NAGAPPAN

Respondent and Advocate

- 1) PRAMESH AND OTHERS
- 2) SOWNDHAR RAJAN
- 3) RAVINDHAN
- 4) ELUMALAI
- 5) KUMAR

Acts

Under Act(s)	Under Section(s)
CodeofCivilProcedure	27(c)

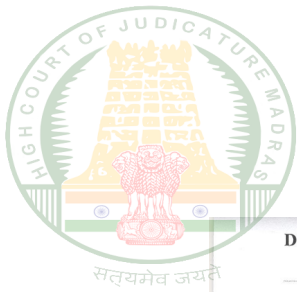
IA Status

IA Number	Party Name	Date of Filing	Next Date	IA Status
IA/1/2023 Classification :	N.LOGANATHAN AND OTHER RAVINDHAN	07-07-2023	04-09-2023	Disposed

Case History

Registration Number	Judge	Business On Date	Hearing Date	Purpose of hearing
326/2023	District Munsif cum Judicial Magistrate	<u>13-04-2023</u>	04-07-2023	Issue of Process
326/2023	District Munsif cum Judicial Magistrate	<u>04-07-2023</u>	07-07-2023	Issue of Process
326/2023	District Munsif cum Judicial Magistrate	<u>07-07-2023</u>	24-07-2023	Issue of Process
326/2023	District Munsif cum Judicial Magistrate	<u>24-07-2023</u>	28-07-2023	Issue of Process
326/2023	District Munsif cum Judicial Magistrate	<u>28-07-2023</u>	16-08-2023	Issue of Process
326/2023	District Munsif cum Judicial Magistrate	<u>16-08-2023</u>	28-08-2023	Issue of Process
326/2023	District Munsif cum Judicial Magistrate	<u>28-08-2023</u>	04-09-2023	Judgement
326/2023	District Munsif cum Judicial Magistrate	<u>04-09-2023</u>		Disposed

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District Munsif cum Judicial Magistrate Court, Thiruporur

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In The Court Of : District Munsif cum Judicial Magistrate

CNR Number : TNCG110015322023

Case Number : OS/0000326/2023

Date : 04-09-2023

N.LOGANATHAN AND OTHER **Versus** P.RAMESH AND OTHERS

Daily Status

Business	Nature of Disposal	Disposal Date
In the result, this suit is decreed by granting permanent injunction against the defendants restraining them, their men, Agent, Servants or any one claiming through them from interfering in to the Plaintiff's peaceful possession and enjoyment over the suit properties with costs.	Decreed with cost	04-09-2023

8. As regards said suit it comes to light that decree dated 04.09.2023 is an exparte decree. It also comes to light that writ petitioner is D1 in the said suit and D1 has refused to receive suit summons. We leave open all the rights and contentions of R9 as well as five defendants qua said suit.

9. As regards the proceedings under said 1905 Act, Section 14 of said 1905 Act captioned 'Bar of jurisdiction of Courts' is of relevance and the same reads as follows:

'14.Bar of jurisdiction of Courts.-

Notwithstanding anything contained in any law for the time being in force, no order passed or proceeding taken by any officer or authority or the State Government under this Act shall be called in question in any Court, in any suit or application and



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no injunction shall be granted by any Court in respect of any action taken or to be taken by such officer or authority or the State Government in pursuance of any power conferred by or under this Act.'

10. A careful perusal of Section 14 of said 1905 Act makes it clear that the aforereferred Section 7 notice dated 08.08.2023 or for that matter Section 6 notice/order cannot be challenged in a civil suit much less can there be an injunction qua proceedings under said 1905 Act. In any event, in the aforereferred said suit, State is not a party and only private respondents are parties. In the light of Section 14 of said 1905 Act, Section 7 notice and further notices/orders pursuant to the same will remain without being impacted by the exparte decree. To be noted, we have already preserved the rights and contentions of plaintiffs and five defendants in the said suit. Therefore, we dispense with notice to R9 and take up the captioned main WP with the consent of learned counsel for writ petitioner and learned State counsel. In this regard, we also make it clear that all the rights and contentions of R9 in the proceedings under said 1905 Act stand preserved untrammelled by this order. This is another reason why notice to R9 is dispensed with and the main WP is taken up.



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11. In this regard, before proceeding further, it is deemed appropriate to write that this Court, in order dated 29.04.2025 in W.P.Nos.8355 and 8357 of 2022 and W.M.P. Nos.8324 and 8237 of 2022 thereat reported in Neutral Citation **[2025:MHC:1162]**, respectfully advertent to the **Girnar** principle i.e., **Girnar Traders (3) Vs. State of Maharashtra** reported in **(2011) 3 SCC 1**, held that said 1905 Act is a self contained Code. To be noted, **Girnar** principle is one where Hon'ble Supreme Court declared the law as regards what would be a self contained Code. It was 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 the statute with dependence on other legislations being absent or at best minimal, is a self contained Code.

12. In this context, as regards said 1905 Act, *inter alia*, 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



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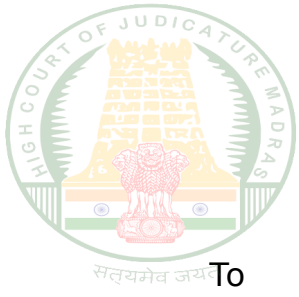
for making interim prayer *vide* Section 10-B of said 1905 Act. Such a three-tier machinery has been put in place to check unauthorised occupation of lands which are the properties of the Government by imposition of penal or prohibitory assessment or charge, after giving adequate and ample opportunity to a person who is alleged to be in occupation of public roads, streets, lanes and paths, bridges, ditches, dikes and fences, rivers, streams, nalas, lakes, tanks and such other properties of Government. Suffice to say that said 1905 Act is clearly a self-contained Code.

13. At the risk of repetition, we make it clear that all rights of R9 qua said 1905 Act proceedings stand preserved and let the same continue and be carried to its logical end.

14. Captioned WP is disposed of in the aforesaid manner.
There shall be no order as to costs.

(M.S.,J.) (R.S.V.,J.)
23.06.2025

Index : Yes
Neutral Citation : Yes
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**M.SUNDAR, J.,
and
R.SAKTHIVEL, J.,**

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