



W.P.No.21973 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2025

WEB COPY

CORAM

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

and

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.21973 of 2025

1. C.Murugan
2. Tmt.Sangeetha
3. C.Sevathan

... Petitioners

Vs.

1. The Commissioner Land Administration
Ezhilagam, Chepauk, Chennai - 600 005
2. The Collector of Kallakurichi District
Collectorate, Kallakurichi
3. The District Revenue Officer
Revenue Office, Kallakurichi
4. The Revenue Divisional Officer
Revenue Office, Kallakurichi
5. The Revenue Tahsildar
Office of the Tahsildar
Kalvarayan Hills Taluk
Kallakurichi District

... Respondents



W.P.No.21973 of 2025

Writ Petition filed under Article 226 of The Constitution of India

praying to issue writ of certiorarified mandamus calling for the records from the 5th respondent pertaining to their show cause Notice in Na.Ka.A3/684/2022 dated5.2025/04.6.2025 issued to the petitioners under Act III Section (7) of the Tamilnadu Land Encroachment Act 1905 and to quash the same and directing the respondents to issue patta to the petitioners as per the registered Document No.560 of 1970 for the full extent of their lands, situated in Vellimalai village, Kalvarayan Hills Taluk, Kallakurichi District and issue patta for the full extent of our lands by considering our representation date 10.5.2025

For Petitioners : Mr.R.Agilesh

ORDER

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

After some arguments, Mr.R.Agilesh, learned counsel on record for writ petitioners sought leave of this Court to withdraw the captioned main 'Writ Petition' ['WP' for the sake of brevity] but made a plea to preserve all the rights and contentions of the writ petitioners to respond to the impugned



W.P.No.21973 of 2025

notice signed by R5 on 04.06.2025. To be noted, impugned notice is a notice

WEB COPY

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}.

This request is acceded to.

2. The endorsement made by learned counsel in the case file is as follows:

The Hon'ble
Court may be
permitted to
withdraw
ready Justice
19/6/2025
R. Aravind
counsel for petitioner
(1) (1)

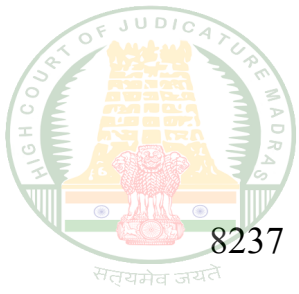
3. In the light of the narrative thus far, captioned WP is disposed of as withdrawn / closed albeit with preservation of rights and contentions of writ petitioners in the aforesaid manner. However, for the sake of specificity, we



W.P.No.21973 of 2025

WEB COPY

clarify that when the writ petitioners respond to the impugned Section 7 notice, the Revenue authority shall consider the same on its own merits and in accordance with law without being impacted by the withdrawal of the captioned WP. Likewise, we deem it appropriate to make it clear that writ petitioners' request for grant of patta, if writ petitioners make a separate application/representation, shall also be considered by the State on its own merits and in accordance with law depending on the eligibility criteria and writ petitioners meet the same untrammelled by withdrawal of captioned WP. The suit being O.S.No.234 of 2022 on the file of District Munsif Court, Sankarapuarm shall also proceed on its own merits and in accordance with law as bare injunction, if at all and if that be so, is only qua dispossession *de hors* due process of law and that will not come in the way of special Statute like said 1905 Act being triggered, more so in the light of this Court having repeatedly held that said 1905 Act is a self-contained code by respectfully following ***Girnar*** principle i.e., law laid down by Hon'ble Supreme Court in ***Girnar Traders (3) Vs. State of Maharashtra*** reported in ***(2011) 3 SCC 1***. In this regard, 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



W.P.No.21973 of 2025

8237 of 2022 thereat reported in Neutral Citation [2025:MHC:1162],

WEB COPY

respectfully adverting to **Girnar** principle, 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.

4. 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 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



W.P.No.21973 of 2025

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.

5. Captioned WP disposed of as withdrawn/closed albeit with preservation of rights and contentions and observations in the aforesaid manner. There shall be no order as to costs.

(M.S.,J.)

(H.C.,J.)

19.06.2025

(1/2)

Index : Yes / No

Neutral Citation : Yes

gpa

To

1. The Commissioner Land Administration
Ezhilagam, Chepauk, Chennai - 600 005
2. The Collector of Kallakurichi District
Collectorate, Kallakurichi
3. The District Revenue Officer
Revenue Office, Kallakurichi

Page Nos.6/8



W.P.No.21973 of 2025

4. The Revenue Divisional Officer
Revenue Office, Kallakurichi

WEB COPY

5. The Revenue Tahsildar
Office of the Tahsildar
Kalvarayan Hills Taluk
Kallakurichi District



WEB COPY



W.P.No.21973 of 2025

**M.SUNDAR, J.,
and
HEMANT CHANDANGOUDAR, J.,**

gpa

W.P.No.21973 of 2025

**19.06.2025
(1/2)**