



W.P. No.5179 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR
and
THE HONOURABLE MRS. JUSTICE K. GOVINDARAJAN THILAKAVADI

W.P. No.5179 of 2025 and W.M.P. Nos.5757,5759 & 5760 of 2025

F.W.H. Senguttuvan
Founder/President
Zion Way of Life Trust
Reg. No.436/1995
No.1, Jerusalem Street
Thandurai
Pattabiram
Chennai 600 072

Petitioner

vs.

1. The Commissioner of Land Administration
Land Administration Department (II Floor)
Ezhilagam
Chepauk
Chennai 600 005
2. The District Collector
Thiruvallur District
Thiruvallur
3. The District Revenue Officer
Bharathiyar Street
S.P. Nagar
Kakkalur
Thiruvallur 602 003



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4. The Revenue Divisional Officer
Bharathiyar Street
S.P. Nagar
Kakkalur
Thiruvallur – 602 003
5. The Tahsildar
Avadi Taluk
Avadi
Chennai 600 072

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the records pertaining to the impugned notice dated 08.03.2024 issued under Section 6 by the fifth respondent and quash the same and direct the respondents to pay a compensation of Rs.3,00,00,000/- for the illegal demolition of the petitioner's building situate in Survey No.300, Town Survey No.10, Thandurai Village, Poonamallee Taluk, Thiruvallur District.

For petitioner Mr. S. Sathya Raj

For respondents Mr. M.S. Arasakumar
Government Advocate



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ORDER

[made by M.SUNDAR, J.]

After some arguments, Mr. S. Sathya Raj, learned counsel on record for the writ petitioner, sought leave of this Court to withdraw the captioned main 'writ petition' (hereinafter 'WP' for the sake of brevity) and captioned 'writ miscellaneous petitions' (hereinafter 'WMPs for the sake of brevity) but made a plea to preserve all the rights and contentions of the writ petitioner to pursue statutory appeal under Section 10 of 'the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905) (for brevity 'said 1905 Act'), saying so, learned counsel has made an endorsement in the case file and scanned reproduction of the same is as follows:

Permit to withdraw the
writ petition and WMPs...
with a liberty to
proceed according to
law.
S. Thyk
counsel for Petitioner
17/02/2025
(S. SATHYARAJ)



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2. 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 (Section 10-A(3) to be precise) 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.

3. Therefore, the request of learned counsel on record for writ petitioner *qua* preservation of rights and contentions of writ petitioner is acceded to *i.e.*, preservation of rights and contentions to pursue statutory appeal under Section 10 of said 1905 Act along with stay petition under Section 10-B before jurisdictional Collector, if so advised and if so desired.



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4. Learned counsel for writ petitioner submits that demolition has already happened but some of the effects are still lying in the site. However, learned State counsel submits that the writ petitioner, on his own volition, had taken all the effects at the time of demolition.

5. If any of the effects are still lying in the site, as submitted by learned counsel for writ petitioner, it is open to the writ petitioner to make an interim plea giving an adumbration of a list of effects before the District Collector in this regard, who, in turn, shall consider the same. We are adopting this course not by expanding the scope of Section 10-B but for the District Collector to act on the administrative side as we find that the matter turns on factual disputations.

6. Captioned main WP and WMPs thereat are disposed of as withdrawn/closed albeit with preservation of rights and contentions in the aforesaid manner. There shall be no order as to costs.

(M.S., J.) (K.G.T., J.)
17.02.2025

cad
Index : Yes/No
NC : Yes/No

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K. GOVINDARAJAN THILAKAVADI, J.

cad

To

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