



WEB COPY



W.P.No.23032 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.SUNDAR
and

THE HONOURABLE MR. JUSTICE HEMANT CHANDANGOUDAR

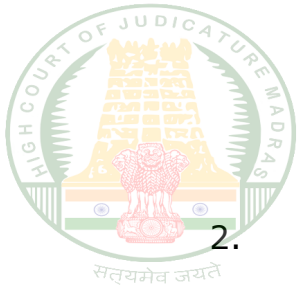
W.P.No.23032 of 2025 and W.M.P. Nos.25874 and 25875 of 2025

1. R. Sarasu
2. R. Nagaraj
3. R. Nagaiah
4. R. Selvaraj
5. S. Pranavam
6. M. Malarvizhi
7. A. Kumari
8. A. Ragu
9. A. Oliyullah
10. R. Siva

Petitioners

vs.

1. The Deputy Secretary
Revenue and Disaster Management Department
Survey and Settlement
SS-1(1) Section
Secretariat
Chennai 600 009



W.P.No.23032 of 2025

WEB COPY

2. The Commissioner for Land Administration
Ezhilagam
Chetpet
Chennai 600 005
3. The District Collector
Thiruvallur Collectorate
Thiruvallur District 602 001
4. The District Revenue Officer
Thiruvallur District Revenue Office
Thiruvallur 602 001
5. The Tahsildar
Ponneri Tahsildar Office
Ponneri 600 060
6. The Commissioner of Police
Avadi Police Commissionerate
Avadi
Chennai 600 062
7. The Inspector of Police
E-5 Sholavaram Police Station
Redhills
Chennai 600 067

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the records of the order passed by the third respondent-Collector in Na.Ka.No.3382599/2025/Aa3 dated 11.06.2025 and quash the same and consequently, direct the respondents to issue patta to the petitioners in Survey No.561/2, Sholavaram Village, Ponneri Taluk, Thiruvallur District.

Page Nos.2/10



WEB COPY



W.P.No.23032 of 2025

For petitioners	Mr. K. Bharathi
For RR 1 to 5	Mr. T.K. Saravanan
	Addl. Govt. Pleader
For RR 6 & 7	Mr. S. Santhosh
	Govt. Advocate (Crl. Side)

ORDER

[made by M. SUNDAR, J.]

Captioned main 'writ petition' [hereinafter 'WP' for the sake of brevity] has been filed with a prayer for issue of a writ of certiorarified mandamus.

2. Mr. K. Bharathi, learned counsel on record for writ petitioners, adverting to the impugned order, wanted to make submissions on merits of the impugned order and learned counsel pointed out that writ petitioners' request for issue of patta has to be considered.

3. Issue notice to respondents.

4. Mr. T.K. Saravanan, learned Additional Government Pleader, accepts notice for RR 1 to 5 and Mr. S. Santhosh, learned Government Advocate (Crl. Side), accepts notice for RR 6 and 7.

Page Nos.3/10



W.P.No.23032 of 2025

WEB COPY

5. The entire matter turns on a short point of alternative remedy as an efficacious and effective alternative remedy is available *qua* impugned order by way of a revision 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).

6. Alternative Remedy rule is a rule of discretion and is not an absolute rule. Be that as it may, 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, respectfully advertent to the **Girnar** principle, *i.e.*, declaration of law made by a Constitution Bench of the Hon'ble Supreme Court in **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



W.P.No.23032 of 2025

achieved by the statute with dependence on other legislations being absent or at best minimal, is a self-contained Code.

7. 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 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.

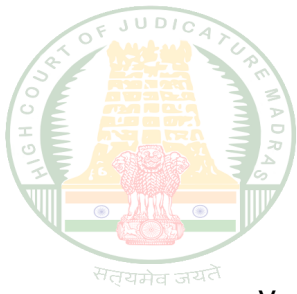


W.P.No.23032 of 2025

8. In the light of the narrative thus far, captioned main WP stands vastly descoped and therefore, with the consent of the aforementioned learned counsel, captioned main WP was taken up.

9. The following order is made:

- i. It is open to the writ petitioners to file a statutory revision under Section 10-A of said 1905 Act assailing the impugned order of R3 dated 11.06.2025 bearing reference Na.Ka.No.3382599/2025/Aa3;
- ii. The impugned order of R3 has been served on the writ petitioners on 20.06.2025. This means that the writ petitioners have time till 20.07.2025 to prefer revision (this is *vide* sub-section (2) of Section 11 of said 1905 Act);
- iii. As writ petitioners have time till 20.07.2025 to prefer revision, coercive action, if at all and if that be so, shall be kept in abeyance till 20.07.2025;
- iv. Notwithstanding the above directive, it is open to the writ petitioners to seek interim stay pending revision before the revisional authority by resorting to Section 10-B of said 1905 Act;



W.P.No.23032 of 2025

WEB COPY

- v. The stay petition shall be disposed of by the revisional authority within four weeks from the date of filing of the revision petition and stay petition;
- vi. Though obvious, we make it clear that if the writ petitioners file a revision under Section 10-A together with stay petition under Section 10-B of said 1905 Act, there will be no coercive action till disposal of the stay petition one way or the other within the aforereferred four weeks time frame;
- vii.If the stay petition disposal is in favour of the writ petitioners, the main revision will proceed;
- viii.If the stay petition disposal is adverse to the writ petitioners, the order in the stay petition will be kept in abeyance for a fortnight to enable the writ petitioners to seek judicial review, if so advised and if so desired;
- ix. Though obvious, we make it clear that if the writ petitioners do not prefer revision on or before 20.07.2025, the impugned order will get resuscitated and the impugned order can be put in motion by the State for carrying the same to its logical end.



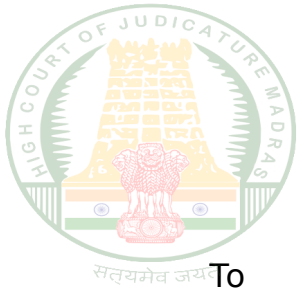
W.P.No.23032 of 2025

WEB COPY

10. Captioned main WP stands disposed of in the aforesaid manner. In the light of the aforesaid directives, stay WMP being W.M.P.No.25874 of 2025 has become otiose and the same is disposed of as closed. W.M.P.No.25875 of 2025 is disposed of as closed but all rights and contentions of writ petitioners are left open to be canvassed in the revision, if so advised and if so desired. There shall be no order as to costs.

(M.S., J.) (H.C., J.)
26.06.2025

cad
Index: Yes/No
N.C. : Yes/No



W.P.No.23032 of 2025

WEB COPY

To

1. The Deputy Secretary
Revenue and Disaster Management Department
Survey and Settlement
SS-1(1) Section
Secretariat
Chennai 600 009
2. The Commissioner for Land Administration
Ezhilagam
Chetpet
Chennai 600 005
3. The District Collector
Thiruvallur Collectorate
Thiruvallur District 602 001
4. The District Revenue Officer
Thiruvallur District Revenue Office
Thiruvallur 602 001
5. The Tahsildar
Ponneri Tahsildar Office
Ponneri 600 060
6. The Commissioner of Police
Avadi Police Commissionerate
Avade
Chennai 600 062
7. The Inspector of Police
E-5 Sholavaram Police Station
Redhills
Chennai 600 067



WEB COPY



W.P.No.23032 of 2025

M.SUNDAR, J.

and

HEMANT CHANDANGOUDAR, J.

cad

W.P.No.23032 of 2025

26.06.2025

Page Nos.10/10