



W.P.No.22894 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2025

CORAM

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

and

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.22894 of 2025

and

W.M.P. No.25723 of 2025 in W.P. No.22894 of 2025

H.Ravi

... Petitioner

Vs.

1.The District Collector,
Krishnagiri,
Krishnagiri – 635 109.

2.The Tahsildar,
Hosur Taluk,
Krishnagiri District.

3.The Revenue Inspector,
Hosur Firka,
Hosur, Krishnagiri District.

4.M.Munisamy

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned notice dated 19.05.2025 issued by the third respondent and impugned order having reference Na.Ka.No.1974/2024/A1 dated 10.06.2025 passed by the second



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respondent and quash the same and consequently direct the respondents 1 to 3 not to take any further coercive action pursuant to the said order.

For Petitioner : Mr.R.Bharath Kumar

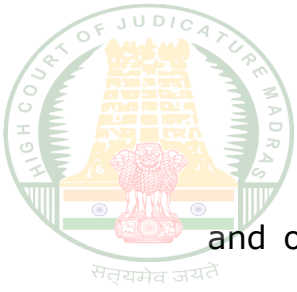
For Respondents : Mr.M.S.Arasakumar,
Government Advocate
for R1 to R3

ORDER

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

Subject matter of captioned main 'Writ Petition' (hereinafter 'WP' for the sake of brevity) is 'land comprised in Survey No.758/33 in Zuzuvadi Village, Hosur Taluk, Krishnagiri District' (hereinafter 'said land' for the sake of convenience and clarity).

2. Writ petitioner was visited with a notice from R3 (Revenue Inspector, Hosur Firka, Hosur, Krishnagiri District) dated 19.05.2025, this 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}, writ petitioner responded and thereafter R2 (Tahsildar, Hosur Taluk, Krishnagiri District) made an order dated 10.06.2025 under Section 6 of said 1905 Act. This notice issued by R3



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and order made by R2 shall hereinafter be referred to as 'impugned notice' and 'impugned order' for the sake of convenience and clarity.

3. Mr.R.Bharath Kumar, learned counsel for writ petitioner submits that the writ petitioner was visited with an order made by R2 being order dated 21.01.2022 (order under Section 6 of said 1905 Act). This was not preceded by Section 7 notice. Be that as it may, writ petitioner assailed this 21.01.2022 order of R2 by way of statutory appeal before R1 and this statutory appeal is under Section 10 of said 1905 Act. Along with statutory appeal, writ petitioner has taken out a stay petition under Section 10-B of said 1905 Act.

4. The aforereferred statutory appeal and stay petition are pending but the writ petitioner has been visited with impugned notice of R3 and impugned order of R2 and that has necessitated the captioned WP is learned counsel's say.

5. Issue notice to official respondents.

6. Mr.M.S.Arasakumar, learned Government Advocate accepts notice for R1 to R3 and makes the following submissions:

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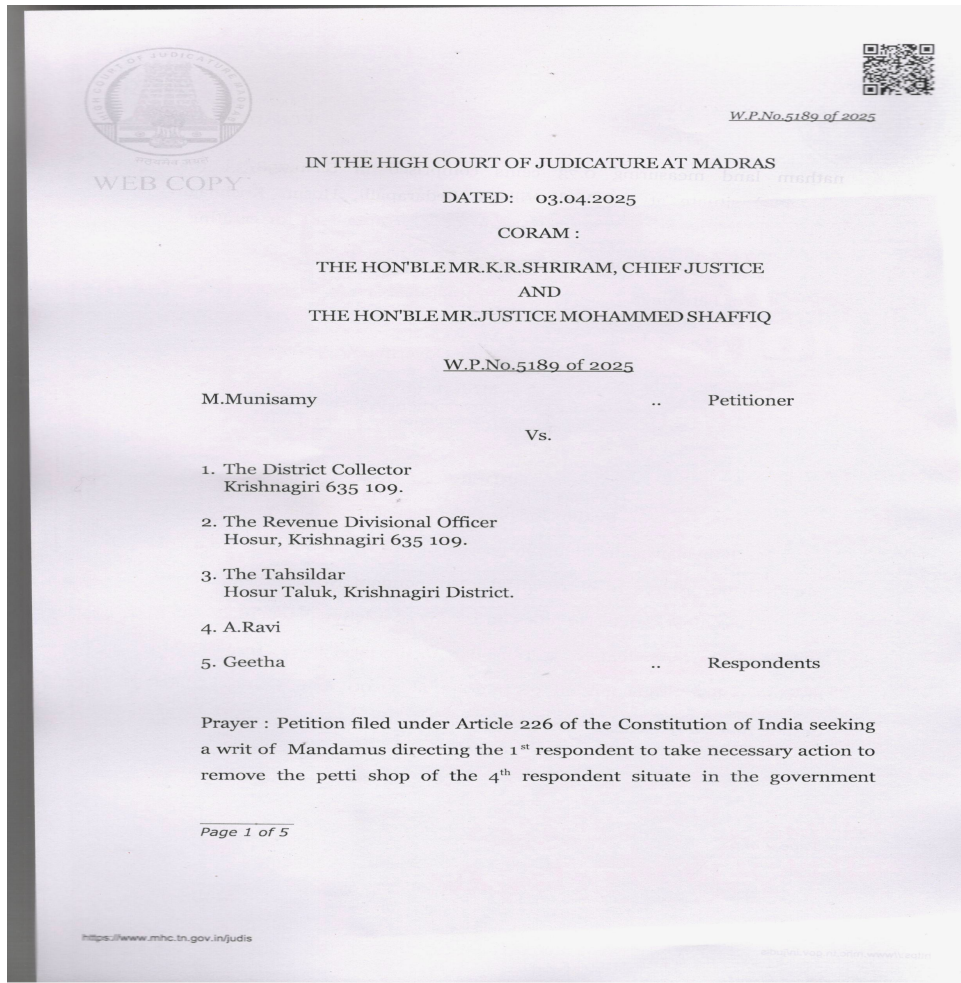


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6.1 impugned notice of R3 and impugned order of R2

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were issued/made owing to order dated 03.04.2025 made in W.P.No.5189 of 2025 and a scanned reproduction of this order is as follows:

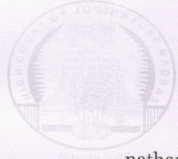




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W.P.No.5189 of 2025

natham land measuring 0.73 cents comprised in S.No.758/33 (old S.No.339) situate at GG Vadi Village, Bedarapalli, Hosur, Krishnagiri District by taking appropriate action on the 4th respondent for creating a fake document and seal of VAO.

For Petitioner : Mr.K.Sathyabal

For Respondents : Mr.A.Edwin Prabakar
State Government Pleader
Assisted by
Mr.Habeeb Rahman
Government Advocate
for Respondents 1 to 3

ORDER

(Order of the Court was made
by the Hon'ble Chief Justice)

Mr.Sathyabal states that the encroachment by respondent No.4 has already been ordered to be removed by respondent No.3, Tahsildar, way back in December, 2022. He relies on a copy of a letter dated 16.12.2022, addressed by respondent No.3, Tahsildar, to the local Police Inspector, to provide police protection on 28.12.2022 at 11.00 a.m. Counsel states despite that no steps have been taken to remove the encroachment.

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2. Shri. Sathyabal relies on photographs at page 78, in which, we find a blue tarpaulin covered petty shop. Shri. Sathyabal states that it is the same shop which was to be removed almost 2½ years ago and even today, it has not been removed.

3. Without going into the merits of the details, Mr.Prabakar states that respondent No.3 will consider the file and take necessary action in accordance with law within 30 days. Statement is accepted.

4. Petition is disposed of. There shall be no order as to costs.

(K.R.SHRIRAM, CJ)

(MOHAMMED SHAFFIQ,J.)

03.04.2025

Index : Yes/No
Neutral Citation : Yes/No

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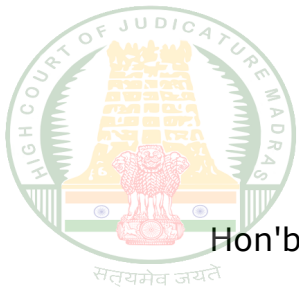
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6.2 Impugned notice of R3 and impugned order of R2 will be rolled back i.e., withdrawn. This submission of learned State counsel made on instructions is recorded.

7. In the light of the narrative thus far, we are of the view that captioned WP can be given a closure by making an order which does not impact the rights and contentions of private respondent/R4 in any manner. We add that all the rights and contentions of R4 will stand preserved. Therefore, we dispense with notice to R4 and take up the main WP with the consent of learned counsel for writ petitioner and learned State counsel.

8. Learned State counsel also submits that the aforereferred stay petition made in the year 2022 under Section 10-B of said 1905 Act will be disposed of as expeditiously as the official business of R1 would permit but in any event within four weeks from today i.e., on or before 23.07.2025.

9. Learned State counsel submits that earlier order of another



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Hon'ble Division Bench dated 03.04.2025 in W.P.No.5189 of 2025 came to be made as learned State counsel did not bring to the notice of the Hon'ble Division Bench about the pendency of 2022 statutory appeal and learned State counsel regrets this error.

10. In the light of the narrative thus far, following order is made:

10.1 Impugned notice of R3 dated 19.05.2025 and impugned order of R2 dated 10.06.2025 stand effaced/set aside;

10.2 Aforementioned impugned notice and impugned order are set aside without expressing any view or opinion on the merits of the matter and based on the fair submission made by learned State counsel which in turn is to facilitate the statutory appeal to be carried to its logical end;

10.3 Aforementioned statutory appeal filed by writ petitioner (assailing 21.01.2022 order of R2 under Section 6 of said 1905 Act) and the stay petition filed under



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Section 10-B of said 1905 Act will proceed on its own merits and in accordance with law and the same shall be carried to its logical end;

10.4 Aforereferred stay petition shall be disposed of as expeditiously as the business of R1 permits but in any event within four weeks from today i.e., on or before 23.07.2025, as submitted by learned State counsel, which is recorded as an undertaking given to the Court;

10.5 Coercive action (if any and if that be so) will be subject to and depending on the outcome of the orders of R1 in the stay petition;

10.6 If orders in the stay petition are in favour of the writ petitioner that would be curtains on the matter. On the contrary, if the orders in the stay petition are adverse to the writ petitioner, the same will be kept in abeyance for a fortnight so as to enable the writ petitioner to seek judicial review, if so advised and so desired;

10.7 Rights and contentions of R4/private



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respondent stands preserved and the rights of R4 (if any) will not in any manner be impacted by this order;

10.8 Post disposal of statutory appeal under Section 10 of said 1905 Act, if the order in the main appeal is adverse to the writ petitioner, it is open to the writ petitioner to seek review under Section 10-A and stay under Section 10-B of said 1905 Act as said 1905 Act is a self contained Code.

11. 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 8237 of 2022 thereat reported in Neutral Citation **[2025:MHC:1162]**, respectfully advertng to the **Gir** principle i.e., **Gir Maharashtra** reported in **(2011) 3 SCC 1**, held that said 1905 Act is a self contained Code. To be noted, **Gir** 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



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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 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. Captioned WP is disposed of in the aforesaid manner with the



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aforesaid observations/recording of undertaking and directives. As we have made it clear that coercive action (if any and if that be so) is subject to the disposal of stay petition under Section 10-B of said 1905 Act with a rider that the same will be kept in abeyance for a fortnight if it is adverse to the writ petitioner renders the captioned Writ Miscellaneous Petition (WMP) otiose and therefore the same is disposed of as closed. There shall be no order as to costs.

(M.S.,J.) (H.C.,J.)
25.06.2025

Index : Yes / No
Neutral Citation : Yes / No
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To

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



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