



W.P.No.24527 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2025

CORAM

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

and

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.24527 of 2025

N.Murali

... Petitioner

Vs.

1.The District Collector,
Tiruvallur District Collector Office,
Tiruvallur – 602 024.

2.The Village Administrative Officer,
Veerapuram, Chennai – 600 055.

3.The Tahsildar,
Deena Dayalan Nagar,
Pattabbiram, Chennai – 600 054.

4.Maheswari

... Respondents

Writ Petition filed under Article 226 of The Constitution of India
praying to issue a Writ of Mandamus directing the respondents 1 to 3
to take necessary action based on the petitioner's representation dated
25.03.2025 and the third respondent's report dated 20.05.2025 in
Na.Ka.No.04/2025/Aa2 to remove the illegal encroachments made by



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the fourth respondent in occupying the public road in Survey No.62 at Pulikuthi Village, Morai Panchayat, Avadi Taluk, Tiruvallur District.

For Petitioner : Mr.P.Rajendrakumar
For Respondents : Mr.T.K.Saravanan,
Additional Government Pleader
for R1 to R3

ORDER

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

Captioned 'Writ Petition' [hereinafter 'WP' for the sake of brevity] has been filed with RoE (Removal of Encroachment) prayer alleging encroachment by R4 qua a 'public road in Survey No.62 at Pulikuthi Village, Morai Panchayat, Avadi Taluk, Tiruvallur District' (hereinafter 'said public road' for the sake of convenience and clarity).

2. Mr.P.Rajendrakumar, learned counsel on record for writ petitioner submits that one P.Gandhi earlier filed a writ petition pertaining to Survey No.63 with RoE prayer and this earlier writ petition being W.P.No.10499 of 2024 came to be dismissed by another Hon'ble Division Bench in and by an order dated 18.04.2024 which reads as follows:



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'IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 18.04.2024
CORAM
THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.10499 of 2024

P.Gandhi

.. Petitioner

Vs

1.The District Collector,
Tiruvallur District Collector Office,
Tiruvallur-602 024.

2.The Village Administrative Office,
Veerapuram, Chennai-600 055.

3.The Tahsildar,
Deena Dayalan Nagar,
Pattabbiram, Chennai-600 054.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents to take necessary action on the petitioner's representation through counsel dated 22.3.2024 and third respondent's report dated 12.7.2023 and 27.7.2023 with a direction to the respondents to removing all the illegal encroachments occupying the public road in Survey No.63 and the lands in Survey No.64/7E, Pulikuthi Village, Morai Panchayat, Avadi Thaluk, Tiruvallur District.

For the
Petitioner

Mr.P.Rajendra Kumar

For the
Respondents

Mr.A.Edwin Prabakar
State Government
Pleader
assisted by
Mr.K.Karthik Jegannath



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Government Advocate

ORDER

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

Heard Mr.P.Rajendra Kumar, learned counsel for the petitioner; and, Mr.A.Edwin Prabakar, learned State Government Pleader, assisted by Mr.K.Karthik Jegannath, learned Government Advocate for the respondents.

2. As far as Survey No.64/7E is concerned, according to learned State Government pleader, the same is a patta land. In view of that, no directions can be issued dubbing the patta-holder as an encroacher.

3. Learned State Government Pleader submits that as far as Survey No.63 is concerned, the survey was conducted and encroachment is noticed. The steps shall be initiated for removal of the encroachment within four months.

In view of the said statement, the writ petition is disposed of accordingly. There shall be no orders as to costs.'

3. As regards captioned WP, learned counsel for writ petitioner submits that repeated requests for RoE have not yielded results and that has necessitated the captioned WP.

4. Issue notice to official respondents.



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5. Mr.T.K.Saravanan, learned Additional Government Pleader accepts notice for R1 to R3 (official respondents) and submits that RoE proceedings have already been commenced vide 'The Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity} inter-alia by issue of notice under Section 7 of said 1905 Act being notice dated 25.04.2025 to R4 (private respondent).

6. Captioned WP can be disposed of by an order which does not in any manner touch upon the rights and contentions of R4. 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.

7. Proceedings commenced under said 1905 Act shall be carried to its logical end and all the rights and contentions of R4 will stand preserved untrammelled by this order.

8. Before we conclude, it is deemed appropriate to write that this Court, in **C.Gopinathan** case reported in **2025:MHC:1162** (order dated 29.04.2025 in W.P.Nos.8355 and 8357 of 2022 and W.M.P.

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Nos.8324 and 8237 of 2022 thereat), respectfully following **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. **Girnar** principle is that if a statute provides for a complete machinery to deal with the purpose sought to be achieved by that law and its dependence on other legislations is either absent or minimal, such a statute is a self contained Code.

9. The ecosystem of said 1905 Act, *i.e.*, the purpose sought to be achieved by said 1905 Act is to lay down procedure for eviction of encroachment of lands belonging to the Government. 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 under section 6 (considering the cause shown). The order under Section 6 is appealable. Section 10 is the appeal provision and *inter alia* 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. This order of Revisional Authority is obviously subject to judicial review. This is the

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legal architecture of the machinery put in place to deal with the purpose sought to be achieved by 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 (besides 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.

10. The purpose sought to be achieved by said 1905 Act and the architecture of the machinery put in place to achieve the same when tested on the touchstone of **Girnar** principle leaves us with the view that said 1905 Act is a self contained Code which provides for complete machinery to deal with the purpose sought to be achieved with no dependence on other legislations or at the highest minimal dependence on other legislations. Suffice to say that said 1905 Act is clearly a self-contained Code.

11. This Court is of the considered view that recording the stated position will suffice to give a closure to the captioned WP. We do so.

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Captioned WP is disposed of recording the stated position of learned State counsel with further observations and preservation of rights in the aforesaid manner. There shall be no order as to costs.

(M.S.,J.)

(H.C.J.)

07.07.2025

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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