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W.P.Nos.25338 & 25339 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2025

CORAM

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

and

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.Nos.25338 & 25339 of 2021

and

W.M.P.Nos.26754 & 26755 of 2021

R.Nageswaran
S/o.P.Ramasamy

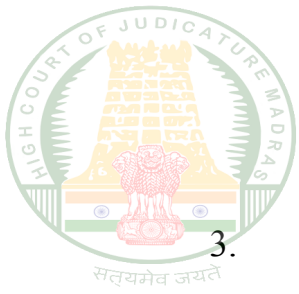
... Petitioner
in W.P.No.25338/2021

K.Ramasamy
S/o.Kuppusamy

... Petitioner
in W.P.No.25339/2021

VS.

1. The Additional Chief Secretary / Commissioner of
Land Administration Department
2nd Floor, Ezhilagam, Chepauk
Chennai-600 005.
2. The District Collector
Tirupur District
District Collector Office
Karuppa Gondanpalayam
Tiruppur - 641 604.



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3. The Sub-Collector
Office of the Sub-Collector
State Highway No.21, Pollachi Road
Kongu Nagar,
Dharapuram - 638 657.
4. The District Revenue Officer
Dharapuram Taluk
Tiruppur District.
5. The Special Thasildhar / The Special Officer
Land Acquisition Department
District Collector Office
Karuppa Gondanpalayam
Tirupur - 641 604.
6. The Tahsildar
Nandhavanam Palayam Village
Taluk Office
Periakaliamman Koil
Dharapuram - 638 656.
7. The Revenue Inspector
Office of the Revenue Inspector
Kundadam, Dharapuram Taluk
Tiruppur District - 638 702.
8. The Village Administrative Officer
Nandavanam Palayam Village
Kundadam (via), Dharapuram Taluk
Tiruppur District - 638 702.

... Respondents

Writ Petition No.25338 of 2021 filed under Article 226 of the Constitution of India seeking a writ of Certiorari, calling for the records pertaining to impugned notices issued by the 7th respondent both dated



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21.10.2021 with respect to S.No.1003/3 and S.No.1004/2 situate in Nandhavanam Palayam Village, Dharapuram Taluk, Tiruppur District and quash the same.

Writ Petition No.25339 of 2021 filed under Article 226 of the Constitution of India seeking a writ of Certiorari, calling for the records pertaining to impugned notice issued by the 7th respondent dated 21.10.2021 with respect to S.No.1023/1 situate in Nandhavanam Palayam Village, Dharapuram Taluk, Tiruppur District and quash the same.

For Petitioner in both WPs : Mr.A.S.Baalaji

For Respondents in both WPs : Mr.T.K.Saravanan
Additional Government Pleader

COMMON ORDER

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

This common order will now govern the captioned two main 'Writ Petitions' {hereinafter 'WPs' for the sake of brevity, convenience and clarity} and captioned two 'Writ Miscellaneous Petitions' {hereinafter 'WMPs' for the sake of brevity, convenience and clarity} thereat.



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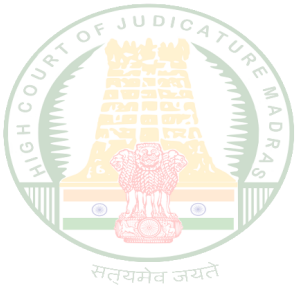
2. Mr.A.S.Baalaji, learned counsel on record for writ petitioner and Mr.T.K.Saravanan, learned Additional Government Pleader for all the respondents in both WPs are before us.

3. Captioned main WPs were taken up with the consent of both sides.

4. In both WPs, identical notices both signed by R7 [The Revenue Inspector, Office of the Revenue Inspector, Kundadam, Dharapuram Taluk, Tiruppur District - 638 702] on 21.10.2021 have been assailed. These notices shall be collectively referred to as 'impugned notices' for the sake of brevity, convenience and clarity. Scanned reproduction of impugned notices are as follows:



Two impugned notices in W.P.No.25338 of 2021:



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மாவட்டம் : திருப்பூர் வட்டம் : தாராபுரம்

ஆக்கிரமிப்புதாரருக்கு அறிவிப்பு

திருப்பூர் மாவட்டம், தாராபுரம் வட்டம், 2.13.32 அண்டி கிராமம், சர்வே எண்.1003/3 இல் 4.4x20.39 ஏக்கர் நிலம் பூமிதானம் நிலம் ஆகும். மேற்படி நிலத்தை புலத்தணிக்கை செய்த போது தாங்கள் இந்த நிலத்தை அனுபவம் செய்வது தெரிய வந்தது. பூமிதானப் பயனாளிகளைத் தவிர மற்றவர் எவரும் பூமிதான நிலத்தைப் பயன்படுத்தக் கூடாது. இந்த நிலம் தமிழ்நாடு பூமிதான வாரியத்தின் மூலம் தங்களுக்கு விநியோகம் செய்யப்படவில்லை. எனவே இந்த அறிவிப்பு கிடைத்த ஏழு தினங்களுக்குள் பூமிதான நிலத்தை விட்டு வெளியேற வேண்டும். தவறும்பட்சத்தில் ஆக்கிரமிப்பு அகற்றுதல் சட்டத்தின் கீழ் உரிய நடவடிக்கை எடுக்கப்படும் என இதன் மூலம் தெரிவிக்கப்படுகிறது.

நில வகை: ...
...
...

பெறுநர்:
திரு / திருமதி.
...
...

நகல் : கிராம நிர்வாக அலுவலர்,
...
...

நகல் :
தனி அலுவலர், தமிழ்நாடு பூமிதான வாரியம், சென்னை - 5
அவர்களுக்கு பணிநிதனுப்பப்படுகிறது.



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Impugned notice in W.P.No.25339 of 2021:

மாவட்டம் : திருப்பூர்

வட்டம் : தாராபுரம்

ஆக்கிரமிப்புதாரருக்கு அறிவிப்பு

திருப்பூர் மாவட்டம், தாராபுரம் வட்டம், 2. பி. ஜனகலட்சுமி கிராமம்,
சர்வே எண்: 1023/1 இஷ் 412608100 ஏக்கர் நிலம் பூமிதானம் நிலம் ஆகும்.
மேற்படி நிலத்தை புலத்தணிக்கை செய்த போது தாங்கள் இந்த நிலத்தை அனுபவம்
செய்வது தெரிய வந்தது. பூமிதானப் பயனாளிகளைத் தவிர மற்றவர் எவரும் பூமிதான
நிலத்தைப் பயன்படுத்தக் கூடாது. இந்த நிலம் தமிழ்நாடு பூமிதான வாரியத்தின் மூலம்
தங்களுக்கு விநியோகம் செய்யப்படவில்லை. எனவே இந்த அறிவிப்பு கிடைத்த ஏழு
தினங்களுக்குள் பூமிதான நிலத்தை விட்டு வெளியேற வேண்டும். தவறும்பட்சத்தில்
ஆக்கிரமிப்பு அகற்றுதல் சட்டத்தின் கீழ் உரிய நடவடிக்கை எடுக்கப்படும் என இதன் மூலம்
தெரிவிக்கப்படுகிறது.

நில வருவாய் ஆய்வாளர்,
..... உள்வட்டம்.

மாநில வருவாய் ஆய்வாளர்
குண்டாம்

பெறுநர்:
திரு / திருமதி.
பி. ஜனகலட்சுமி

நகல் : கிராம நிர்வாக அலுவலர்,
2. பி. ஜனகலட்சுமி கிராமம்.

நகல் :
தனி அலுவலர், தமிழ்நாடு பூமிதான வாரியம், சென்னை - 5
அவர்களுக்கு பணிநிதனுப்பப்படுகிறது.

1 ரூ. COURT FEE
INDIA
ONE RUPEE

2 ரூ. COURT FEE
INDIA
TWO RUPEES

2 ரூ. COURT FEE
INDIA
TWO RUPEES



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5. Though impugned notices are addressed to Mr.R.Nageswaran, who is writ petitioner in W.P.No.25538 of 2021, learned counsel for writ petitioners submits that Mr.R.Nageswaran is staking claim for lands which are subject matter of impugned notices. K.Ramasamy has filed W.P.No.25339 of 2021.

6. A careful perusal of impugned notices brings to light that the same have been issued by R7 alleging that 'lands comprised in S.Nos.1003/3, 1004/2 and 1023/1 situate in Nandavanampalayam Village, Dharapuram Taluk, Tiruppur District' {hereinafter 'said lands' for the sake of brevity, convenience and clarity} are Bhoomidhan lands, Bhoomidhan lands cannot be used by anyone other than beneficiaries and on further grounds that said lands have not been distributed to noticee by Bhoomidhan Board.

7. Learned counsel for writ petitioners submitted that said lands are private lands / patta lands and neither Nageswaran nor K.Ramasamy have donated said lands to Bhoomidhan Board.

8. Be that as it may, as regards Bhoomidhan lands, we find that 'the Tamil Nadu Bhoodan Yagna Act, 1958 (Tamil Nadu Act XV of 1958)' {hereinafter 'Bhoodan Act' for the sake of brevity, convenience and clarity}



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comes into play. The scheme of Bhoodan Act and the constitution of

authorities thereunder was dealt with by this Court in ***Association for Sarva***

Seva Forms case [***Association for Sarva Seva Forms Vs. The Collector***

and others] being order dated 04.06.2025 in W.P.No.18043 of 2025

reported in ***Neutral Citation of Madras High Court in 2025:MHC:1327***.

Relevant paragraphs are paragraph Nos.4 to 7 & 9 which read as follows:

'4. Mr.T.K.Saravanan, learned Additional Government Pleader accepts notice for R1 to R4 and submits that lands which are subject matter of said representation (which shall hereinafter be referred to as 'said lands') are governed by the 'Tamil Nadu Bhoodan Yagna Act, 1958 (Tamil Nadu Act XV of 1958)' (hereinafter 'said Act' for the sake of brevity, convenience and clarity).

5. A careful perusal of said Act brings to light that the term 'State Board' has been defined vide Section 2(i) which reads as follows:

2.Definitions – In this Act, unless the context otherwise requires -

(a)

(b)

(c)

(d)

(e)

(i)

(ii)

(ee)

(f)

(g)

(h)

(i) 'State Board' means the Tamil Nadu State Bhoodan Yagna Board established under Section 3.



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6. Thereafter, Section 3 is of significance and the same reads as follows:

3.Establishment and incorporation of State Board- The duty of carrying out the provisions of this Act, shall, subject to the restrictions, conditions and limitations therein contained be vested in a Board to be called 'The Tamil Nadu State Bhoodan Yagna Board'.

From hereon and henceforth we shall refer to the 'State Board' as 'said Board' for convenience.

7. Learned State counsel submits that in and vide G.O.Ms.No.493 Revenue (Ni.Ci.1(1)) Department dated 23.12.2009 a 15 Member Board has been constituted. We find that the Commissioner of Land Reforms, Chepauk, Chennai- 600 005 is Member Secretary and we also notice from sub-section (2) of Section 3 of said Act that said Board is a body corporate. Therefore, we suo motu implead The Tamil Nadu Bhoodan Yagna Board represented by its Member Secretary i.e., Commissioner of Land Reforms, 2nd Floor, Ezhilagam, Chepauk, Chennai – 600 005 as R5. Learned State counsel Mr.T.K.Saravanan (Additional Government Pleader) accepts notice for R5 too.

8.

9. This Court also notices that Section 28 of said Act vests in the Government rule making power, to be noted Government has been defined vide Section 2(c), which reads as follows:

'2.Definitions – In this Act, unless the context otherwise requires -

(a)

(b)

(c) 'Government' means the State Government' '

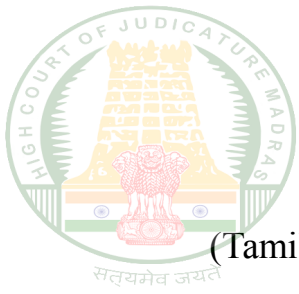
9. Learned State Counsel submitted to the contrary i.e., that said lands are Bhoomidhan lands. This turns heavily on facts and documents.



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10. Be that as it may, we find that Section 27 of Bhoodan Act vests the State Board with power to make Regulation and Section 28 of Bhoodan Act vests the Government with power to make Rules. It is not clear as to whether the Board has made any Regulations but the adumbration of the purpose for which Regulations can be made by the Board vide sub-section (2) of Section 27 of Bhoodan Act, *prima facie* comes across as an adumbration which does not provide for dealing with the Bhoomidhan lands which are allegedly in occupation of persons other than beneficiaries.

11. Be that as it may, as regards Section 28, as would be evident from paragraph No.10 of *Association for Sarva Seva Forms* case, State Government has made Rules and the Rules are titled as 'the Tamil Nadu Bhoodhan Yagna Rules, 1959' {hereinafter 'said Rules' for the sake of clarity, convenience and brevity}. A perusal of said Rules brings to light that there is no specific provision to deal with a scenario as the one in the cases on hand. Therefore, in the light of the disputation and contestation as regards nature of said lands which turns heavily on facts and documents, we deem it appropriate to write that the impugned notices shall now be treated as notices under Section 7 of 'the Tamil Nadu Land Encroachment Act, 1905



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(Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of

brevity}. The reason is, Section 2 of said 1905 Act makes it clear that all lands with the exception of adumbration (a) to (e) thereat will fall under the sweep of the Act. To be noted, learned counsel for writ petitioners contends that these are lands over which the writ petitioners have proprietary rights. This question is left open and all rights of the writ petitioners are preserved.

12. The noticees / writ petitioners i.e., Mr.Nageswaran and Mr.K.Ramasamy shall now respond to impugned notices within a fortnight from today i.e., on or before 02.09.2025. Thereafter, orders will have to be made under Section 6 of said 1905 Act. If orders to be made under Section 6 of said 1905 Act is in favour of the writ petitioners, that would be the curtains on the matter and if that not be so, writ petitioners will have the rights of filing an appeal under Section 10 of said 1905 Act followed by revision under Section 10-A of said 1905 Act.

13. In this regard, 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. Nos.8324 and 8237 of 2022 thereat), respectfully following **Girnar** principle, i.e., declaration of law



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made by a Constitution Bench of the Hon'ble Supreme Court in **Girnar**

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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.

14. 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 legal architecture of the machinery put in place



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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.

15. 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.

16. The above means that writ petitioners' response to impugned notices (construing the same as notices under Section 7 of said 1905 Act) shall now proceed on its own merits and in accordance with law untrammelled by instant order. For this purpose, all questions are left open.



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Before we conclude, we deem it appropriate to write that this is a case where we would have interfered on the jurisdiction point but considering that the Bhoodan Act appears to come into play, we exercise our discretion under Article 226 of the Constitution of India and write that the impugned notices shall be construed as show cause notices preserving all rights and contentions of writ petitioners so that the writ petitioners are given adequate and ample opportunity. To be noted, coercive action, if any and if that be so, will be only subject to and depending on the orders to be made under said 1905 Act.

Captioned WPs are disposed of albeit with preservation of rights and contentions in the aforesaid manner. In the light of what we have stated regarding coercive action, captioned WMPs become otiose and the same are disposed of as closed. There shall be no order as to costs.

(M.S.J.,)

(H.C.J.,)

19.08.2025

Index : Yes / No

Neutral Citation : Yes / No

Speaking / Non-speaking

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

mk

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