



W.P.No.28356 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**  
and  
THE HONOURABLE MR.JUSTICE **T.VINOD KUMAR**

**W.P.No.28356 of 2025**  
**and**  
**W.M.P. No.31750 of 2025 in W.P. No.28356 of 2025**

S.Chinnadurai

.. Petitioner

Vs.

1.The Collector,  
Office of the Collectorate,  
Cuddalore District.

2.The District Revenue Officer,  
Office of District Revenue Officer,  
Cuddalore District.

3.The Thasildar,  
Bhuvanagiri Taluk,  
Cuddalore District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorari to call for the records relating to the proceedings in Na.Ka.No.A4/784/2025 dated 02.06.2025 and quash the same.

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For Petitioner : Mr.V.Karthikeyan  
for Mr.K.Manikandan

For Respondents : Mr.T.K.Saravanan  
Additional Government Pleader

### **ORDER**

[Order of the Court was made by T.VINOD KUMAR, J.]

By this writ petition, the writ petitioner has assailed the action of the third respondent in issuing 'notice dated Nil of June, 2025 (signed on 02.06.2025) bearing reference Na.Ka.No.A4/784/2025' (hereinafter 'impugned notice' for the sake of brevity, convenience and clarity) calling upon the writ petitioner to show cause within ten days as to why action should not be taken to evict the petitioner for encroaching on to the 'land in Survey No.245/25 situate at South Krishnapuram, Bhuvanagiri Taluk, Cuddalore District' (hereinafter 'said land' for the sake of convenience and clarity).

2. Heard Mr.V.Karthikeyan, learned counsel for writ petitioner.

3. Issue notice to respondents.



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4. Mr.T.K.Saravanan, learned Additional Government Pleader accepts notice for the respondents. With the consent of learned counsel for writ petitioner and learned State counsel, the writ petition is taken up for hearing and disposal at the admission stage itself.

5. The case of the petitioner in brief is that he has been issued with impugned notice by treating him as encroacher of the said land even though he has been issued with patta vide Patta No.78 in respect of said land.

6. It is the further contention of the petitioner that the impugned notice has been issued to the petitioner pursuant to order of another Hon'ble Division Bench of this Court in W.P.No.13547 of 2024 dated 23.07.2024 and as such the action of the third respondent is premeditated.

7. Per contra, learned State counsel appearing for the respondents would submit that the impugned notice issued 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

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brevity} is only a show cause notice to which the petitioner can submit a reply and if any reply is submitted, it shall be considered by authority before passing orders under Section 6 of said 1905 Act.

8. Learned counsel appearing for the writ petitioner submits that the petitioner has already submitted a reply to the show cause notice on 31.07.2025.

9. Admittedly, impugned notice is only a show cause notice to which the petitioner can submit his reply. Before proceeding further, 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 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.

10. Since, the petitioner now submits before this Court that he has submitted a reply to the impugned notice on 31.07.2025, this Court is of the view that the third respondent is to be directed to

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consider the reply submitted by the petitioner and pass appropriate orders under Section 6 of the said 1905 Act. Upon R3 passing orders under Section 6 of said 1905 Act, it is open to the petitioner to avail further remedies provided under the said 1905 Act.

11. Captioned writ petition is disposed of as closed in the aforesaid manner. Consequently, captioned miscellaneous petition is disposed of as closed. There shall be no order as to costs.

(M.S.,J.) (T.V.K.,J.)  
05.08.2025

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

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**M.SUNDAR, J.,  
and  
T.VINOD KUMAR, J.,**

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