



W.P.No.33727 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2025

CORAM

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

and

THE HONOURABLE MR.JUSTICE **MUMMINENI SUDHEER KUMAR**

W.P.No.33727 of 2025

and

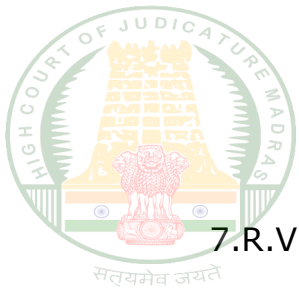
W.M.P. No.37849 of 2025 in W.P. No.33727 of 2025

Syed Moula

... Petitioner

Vs.

- 1.The District Collector,
Krishnagiri District.
- 2.The District Revenue Officer,
Krishnagiri District.
- 3.The Tahsildar,
Denkanikottai Taluk,
Krishnagiri District.
- 4.The Block Development Officer,
Kelamangalam Union,
Denkanikottai Taluk, Krishnagiri District.
- 5.The Revenue Inspector,
Kelamangalam Union,
Denkanikottai Taluk, Krishnagiri District.
- 6.The Village Administrative Officer,
Kelamangalam Union,
Denkanikottai Taluk, Krishnagiri District.



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7.R.Virupaksha

... Respondents

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Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the notice issued by the fifth respondent in A.D.M.No.19/2025 dated 29.07.2025, quash the same and consequently direct the respondents 1 to 6 to grant patta based on petitioner's representation dated 01.08.2025.

For Petitioner : Mr.P.Satheesh Kumar

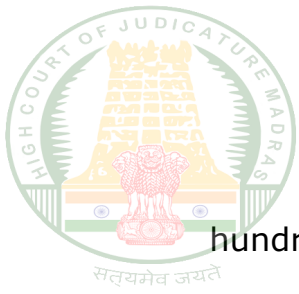
For Respondents : Mr.T.K.Saravanan,
Additional Government Pleader
for R1 to R3, R5 and R6
Mr.M.S.Arasakumar,
Government Advocate for R4

ORDER

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

Subject matter of captioned 'Writ Petition' (hereinafter 'WP' for the sake of brevity) is 'land comprised in Survey No.63/13, Kelamangalam Village, Denkanikottai Taluk, Krishnagiri District' (hereinafter 'said land' for the sake of convenience and clarity).

2. Mr.P.Satheesh Kumar, learned counsel for writ petitioner submits that the writ petitioner is in occupation of said land for over



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hundred years, writ petitioner has constructed a small hut and cultivated three coconut trees.

3. Writ petitioner has assailed a 'communication dated 29.07.2025 bearing reference A.D.M.No.19/2025' (hereinafter 'impugned communication' for the sake of convenience and clarity) from R5 (Revenue Inspector, Kelamangalam Union, Denkanikottai Taluk, Krishnagiri District) to District Police Superintendent, jurisdictional Inspector of Police and Sub Inspector of Police.

4. Adverting to impugned communication of R5, learned counsel points out that 30.07.2025 11.00 a.m. was fixed as time for removing alleged encroachment in said land and police protection for the exercise has been sought but writ petitioner has not been put on notice and given an opportunity under any statute.

5. Issue notice to official respondents.

6. Mr.T.K.Saravanan, learned Additional Government Pleader, accepts notice for R1 to R3, R5 and R6 and Mr.M.S.Arasakumar, learned Government Advocate, accepts notice for R4 and submits on instructions that private respondent/R7 had earlier filed a writ petition



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in W.P.No.15573 of 2025 with RoE (Removal of Encroachment) prayer and the writ petition was disposed of by another Hon'ble Division Bench in and by an order dated 11.06.2025 *inter alia* directing the official respondents to consider the representation dated 07.10.2024 (to be noted, this representation has been given by R7/private respondent before us seeking RoE qua said land).

7. Learned State counsel submits that proceedings were initiated after considering the representation and it comes to light that a notice has been issued with regard to Survey No.63/4 to one Ms.Vijay Shree Srinivasan, who is R5/private respondent in earlier writ petition. As there is an error in the survey number, this notice which is 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 brevity} will also stand withdrawn in his say. This submission is recorded and we write that the notice will stand effaced.

8. Be that as it may, learned State counsel submits that writ petitioner has encroached upon said land and it is liable to be proceeded against. Learned State counsel also adds that no RoE

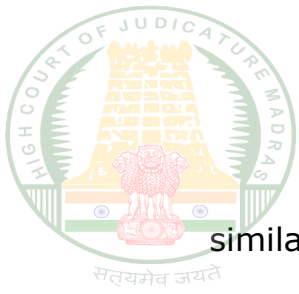


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happened either on 30.07.2025 or on any other date thereafter.

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9. Be that as it may, writ petitioner has to necessarily be given an opportunity and therefore we make it clear that it is open to the State to issue notice under Section 7 of said 1905 Act to writ petitioner, R5 in earlier writ petition viz., Ms.Vijay Shree Srinivasan and/or any other alleged encroacher (if any). Thereafter, i.e., after being show caused, orders under Section 6 of said 1905 Act have to be made, this order is appealable and this Court, respectfully following the **Girnar** principle being law declared by Hon'ble Supreme Court (Constitution Bench of Hon'ble Supreme Court in **Girnar Traders (3) vs. State of Maharashtra** reported in **(2011) 3 SCC 1**), has repeatedly held that said 1905 Act is a self contained Code. To be noted, **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. Therefore, coercive action (if any and if that be so) qua said land will be subject to proceedings under said 1905 Act. However, writ petitioner and/or any other



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similarly placed persons if show caused, all the rights and contentions of such noticees will stand preserved in responding to the show cause notices and it is open to the noticees to raise the points raised in the instant WP too. As regards R7, we make it clear that this order will not impact the rights of R7, all the rights and contentions of R7 are preserved and in this view of the matter, we dispense with notice to R7 and take up the main WP in the Admission Board with the consent of learned counsel for writ petitioner and learned State counsel.

10. Impugned communication has now become infructuous as coercive action, if any, can be only subject to proceedings under said 1905 Act. Therefore, impugned communication is dislodged albeit with preservation of rights of State in the aforesaid manner.

11. Certiorari limb of captioned WP is allowed. As regards mandamus limb, it is open to the State to consider the writ petitioner's request for patta. In the light of what we have written regarding coercive action, captioned Writ Miscellaneous Petition (WMP) thereat has become otiose and the same is disposed of as closed. There shall be no order as to costs.



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(M.S.,J.)

(M.S.K.,J.)

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Index : Yes / No

Neutral Citation : Yes / No
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and
MUMMINENI SUDHEER KUMAR, J.,**

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