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*W.P.No.18957 of 2024
& Contempt Petition No.4105 of 2024*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MRS.JUSTICE **K.GOVINDARAJAN THILAKAVADI**

Contempt Petition No.4105 of 2024
&
W.P.No.18957 of 2024

Contempt Petition No.4105 of 2024

R.Kumar

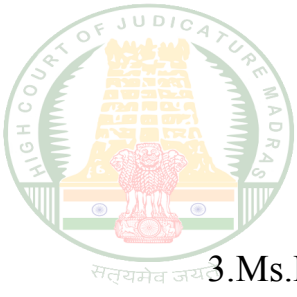
... Petitioner

Vs.

1.Ms.Kalaiselvi Mohan
The District Collector,
Kancheepuram

2.Mr.Paramaguru
The Assistant Divisional Engineer,
Tamil Nadu Road Infrastructures,
Development Corporation,
4th Floor LLA,
Building, 735 Annasalai,
Chennai~600 002.

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3. Ms. Malarvizhi
The Tahsildar,
Kundrathur Taluk,
Kundrathur.

4. Mr. Varadarajan
The Block Development Officer,
Padapai

.. Respondents

Contempt Petition filed under Section 11 of Contempt of Courts Act, 1971 to punish the respondents herein for committing contempt for disobeying the orders of this Court made in W.P.No.18957 of 2024 dated 15.07.2024.

For Petitioner : Mr.J.Franklin
W.P.No.18957 of 2024

R.Kumar

... Petitioner

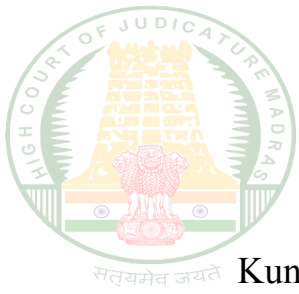
Vs.

1. The District Collector,
Kancheepuram

2. The Assistant Divisional Engineer,
Tamil Nadu Road Infrastructures,
Development Corporation,
4th Floor LLA,
Building, 735 Annasalai,
Chennai~600 002.

3. The Tahsildar,
Kundrathur Taluk,

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Kundrathur.

4.The Block Development Officer,
Padapai

5.G.Elumalai

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, praying to direct the respondents 1 to 4 to take further actions in Na.Ka.No.111/2021/A4 dated 01.09.2021 and remove the encroachments.

For Petitioner : Mr.J.Franklin

For Respondents : Mr.T.K.Saravanan
Additional Government Pleader
for R1 to R4

Mr.S.Thirumavalavan for R5

COMMON ORDER

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

Captioned main writ petition was disposed of by this Court in and by order dated 15.07.2024. Today, the captioned matter is listed under the cause list caption 'FOR REPORTING COMPLIANCE'.

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2. Mr.J.Franklin, learned counsel for writ petitioner and Mr.T.K.Saravanan, learned Additional Government Pleader for official respondents (R1 to R4) are before us.

3. Before we proceed further, we deem it appropriate to write that we notice that a minor inadvertent error has crept in qua uploaded version in paragraph 9 of the order dated 15.07.2024. Instead of '5th respondent', it has been typed as '5th petitioner' in two places. Now, '5th petitioner' occurring in two places in paragraph 9 will read as '5th respondent'. This order on being uploaded will serve as a corrigendum/errata qua 15.07.2024 order of W.P.No.18957 of 2024. Today, Mr.Thirumavalavan, learned counsel is before us and learned counsel submits hat he represents Mr.Vinoth Kumar, son of R5 (Elumalai).

4. To be noted, the above correction is made with the consent of all the aforementioned learned counsel before us.



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5. Learned State counsel submits that post 15.07.2024 order, 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} being notice dated 19.02.2025 has been issued and that has been followed by an order under Section 6 being an order dated 07.03.2025.

6. Mr.Thirumavalavan, learned counsel submits that Section 7 notice was pasted in the premises, the date is not clear but on coming to know about the Section 7 notice, Mr.Vinoth Kumar has sent a detailed response dated 03.03.2025 but learned State counsel submits, on instructions, that the response is dated 13.03.2025. We express no opinion on this dispute as there is no dispute between the parties that an order dated 07.03.2025 under Section 6 of said 1905 Act has since been passed and Mr.Vinoth Kumar and other similarly placed persons, who have been visited with the Section 6 order, would be assailing the same by way of a statutory appeal under Section 10 of said 1905 Act. To be noted, statutory appeal lies to R1 (The District Collector, Kancheepuram). Though obvious, we make it clear that it is open to Mr.Vinoth Kumar and other similarly placed persons to resort to a plea vide Section 10-B also (stay pending appeal). All questions



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including date of service of Section 7 notice, date of response etc., are left open for the Appellate Authority to decide the same on its own merits and in accordance with law based on records.

7. As regards the order of the Appellate Authority, it is open to the party against whom it goes, to file a statutory revision under Section 10-A and resort to a plea under Section 10-B (stay pending revision).

8. This Court has repeatedly held that said 1905 Act is a self contained Code. The reason *inter alia* is that 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 (Section 10-A(3) to be precise) of said 1905 Act. Pending appeal / revision, there is a provision for making interim prayer *vide* Section 10-B of said 1905 Act. Therefore, said 1905 Act is a self contained Code in every sense of the expression.



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9. Therefore, we record the stated position of parties that proceedings under said 1905 Act have commenced and give a closure to the captioned contempt petition. Accordingly, contempt petition is closed.

10. As regards the captioned writ petition, the same need not be listed any further by the Registry.

11. We also make it clear that all the rights and contentions of writ petitioner are also left open.

(M.S.,J.)

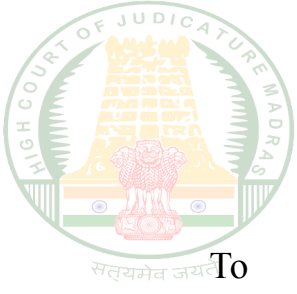
(K.G.T.,J.)

17.03.2025

Index : Yes/No

Neutral Citation : Yes/No

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To

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- 2.The Assistant Divisional Engineer,
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**M.SUNDAR.J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,**

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