



W.P.No.34783 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.34783 of 2022
and
W.M.P.No.34206 of 2022

R.Uma Lakshmi
W/o.Rajeshekaran

... Petitioner

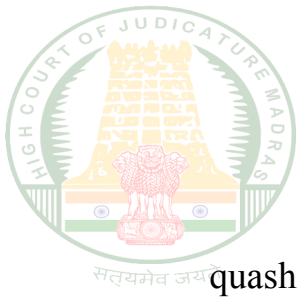
vs.

1. The District Collector
Thiruvallur District
Thiruvallur - 602 001.
2. The Tahsildar
Ponneri Taluk
Ponneri - 601 204
3. The Revenue Inspector
Redhills Firka
Ponneri Taluk
Tiruvallur District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India
seeking a Writ of Certiorari, to call for the records of the 2nd respondent and

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quash the notice in Na.Ka.2949/2022/A3 dated 07.12.2022 purporting to be under Section 6 of the Tamil Nadu Land Encroachment Act, 1905.

For Petitioner : Mr.N.R.Anantha Rama Krishnan

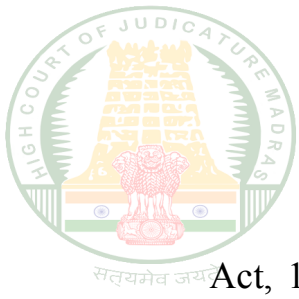
For Respondents : Mr.T.K.Saravanan
Additional Government Pleader

ORDER

[Order of the Court was made by **HEMANT CHANDANGOUDAR.J.,**]

The captioned Writ Petition (hereinafter “WP” for the sake of brevity, convenience, and clarity) has been filed seeking issuance of a writ of certiorari to quash the order dated 07.12.2022 (hereinafter “impugned order” for the sake of brevity, convenience, and clarity) calling upon the petitioner to remove the alleged encroachment. The encroachment pertains to land in Survey No.115, measuring an extent of 0.01.65 hectares, situated in Theerthakirayampattu Village, Redhills Firka, Ponneri Taluk, Tiruvallur District.

2. Learned counsel for the writ petitioner contended that a notice dated 02.08.2022 under Section 7 of the Tamil Nadu Land Encroachment



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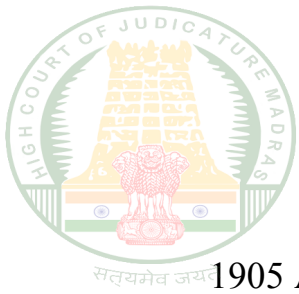
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Act, 1905 (Tamil Nadu Act III of 1905) (hereinafter “the 1905 Act”) was issued, calling upon the petitioner to show cause as to why the alleged encroachment in Survey No.29/1, situated in Athivakkam Village, Redhills Firka, Ponneri Taluk, Tiruvallur District, should not be removed. In response, the petitioner submitted a reply dated 12.09.2022 stating that the said land does not belong to her. However, the second respondent proceeded to pass the impugned order without providing the petitioner an opportunity to be heard in respect of the land in Survey No.115, measuring an extent of 0.01.65 hectares, situated in Theerthakirayampattu Village, which belongs to the petitioner.

3. In response, the learned State Counsel submitted that the notice was, in fact, issued in respect of land belonging to the petitioner, and therefore, the petitioner ought to have responded appropriately. Consequently, it was argued that the notice and the subsequent order issued by the second respondent are not liable to be interfered with.

4. The arguments advanced by the respective counsel have been duly considered.

5. The second respondent had issued a notice under Section 7 of the



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1905 Act in relation to land bearing Survey No.29/1, situated in Athivakkam Village. In response, the petitioner submitted a reply dated 12.09.2022 stating that she had not encroached upon any Government land and that the land in her possession is patta land. She, therefore, requested that the said notice be withdrawn. Despite this, the second respondent passed the impugned order under Section 6 of the 1905 Act, calling upon the petitioner to remove the alleged encroachment in relation to Survey No.115, which is entirely different from the land mentioned in the Section 7 notice. The petitioner was, therefore, denied an effective opportunity to respond to the notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905. As a result, the impugned order issued under Section 6 of the said Act is vitiated by a violation of the principles of natural justice, particularly the requirement of affording the petitioner a fair hearing before passing an adverse order.

6. Accordingly, issuing the impugned order under Section 6 of the 1905 Act in relation to Survey No.115, despite having issued a prior notice under Section 7 in respect of Survey No.29/1, is not legally sustainable. On this short ground alone, the impugned order is liable to be set aside.



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7. In the light of the foregoing, the captioned WP is allowed. The impugned order dated 07.12.2022, bearing reference Na.Ka.No.2949/2022/AA3 issued by the second respondent, is hereby set aside. The second respondent is, however, at liberty to issue a fresh notice in accordance with law. If such notice is issued, all rights and contentions of the petitioner are left open. Consequently, the connected Writ Miscellaneous Petition is closed. There shall be no order as to costs

(M.S.J.) (H.C.J.)
18.07.2025

Index : Yes / No
Neutral Citation : Yes / No
Speaking / Non-speaking

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

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To

1. The District Collector
Thiruvallur District
Thiruvallur - 602 001.
2. The Tahsildar
Ponneri Taluk
Ponneri - 601 204.
3. The Revenue Inspector
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Ponneri Taluk, Tiruvallur District.

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