



W.P.No.37805 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **K.RAJASEKAR**

W.P.No.37805 of 2024

S.Kavitha

... Petitioner

Vs.

- 1.The District Collector,
Chengalpattu District,
Chengalpattu.
- 2.The District Revenue Officer,
O/o.The District Collectorate,
Chengalpattu.
- 3.The Revenue Divisional Officer,
Tambaram, Chennai – 45.
- 4.The Tahsildar,
Vandalur Taluk, Vandalur,
Chengalpattu District.
- 5.The Village Administrative Officer,
Nallambakkam Village,
Vandalur Taluk,
Chengalpattu District.
- 6.Vasu
- 7.Umasankar

... Respondents



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Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus to direct respondents 1 to 5 to remove the encroachments in the path of bullock cart and in the common pathway that leads to the petitioner's patta land comprised in S.No.185 of Nallambakkam Village, Vandalur Taluk, Chengalpattu District made by the 6th and 7th respondents.

For Petitioner : Mr.A.Mohan

For Respondents : Mr.T.K.Saravanan,
Government Advocate
for R1 to R5

ORDER

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

Captioned main 'Writ Petition' (hereinafter 'WP' for the sake of brevity) pertains to land comprised in 'Survey No.185 at Nallambakkam Village, Vandalur Taluk, Chengalpattu District' (hereinafter 'said land' for the sake of convenience and clarity).



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2. It is the case of the writ petitioner that there is encroachment qua said land and it is the further case of the writ petitioner that encroachment has been made by R6 and R7.

3. Learned counsel for writ petitioner submits that repeated representations have not evoked any response necessitating captioned WP.

4. Issue notice to official respondents.

5. Mr.T.K.Saravanan, learned Government Advocate accepts notice for R1 to R5.

6. Mr.T.K.Saravanan, learned State counsel on instructions submits that survey was conducted qua said land, encroachment was found and action has been initiated under 'The Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity}. Initiating action under said 1905 Act would mean that alleged encroachers more particularly R6



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and R7 would be show caused inter-alia under Section 7 of said 1905 Act. Therefore, we make it clear that all the rights and contentions of R6 and R7 and any other alleged encroacher stand preserved when they send their response. With this safety valve, main WP is taken up with the consent of learned counsel on both sides.

7. Before we proceed further, we make it clear that 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.

8. Let the proceedings that have been commenced under said



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1905 Act be continued and concluded in accordance with law as expeditiously as the business of official respondents would permit but in any event within twelve weeks from today i.e., by 27.03.2025.

9. Captioned WP is disposed of in the aforesaid manner. There shall be no order as to costs.

(M.S.,J.) (K.R.S.,J.)
02.01.2025

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

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Vandalur Taluk,
Chengalpattu District.

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**M.SUNDAR, J.,
and
K.RAJASEKAR, J.,**

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