IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-09-2025

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR

WP No. 36414 of 2025 AND

WMP Nos. 40698 and 40695 OF 2025

P.Palani
S/.O. Perumal, Nandiyalam Village, Walaja Taluk,
Ranipet District.

..Petitioners

Vs

1.The District Collector
Ranipet District, Ranipet.
2.
3.The Revenue Divisional Officer
Ranipet District, Ranipet.

4.The Tahsildar
Walaja Taluk, Walaja.

..Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the 3rd Responent in respect of the notice dated 23.08.2025 issued Section 7, of Act 3/1905 and quash the same and thereby forbear the respondents from interfering in the petitioners possession and enjoyment in S.No.580/3, New S.No.580/3B and 3C measuring an extent of 3815 Sq. ft. (8.75 cents) at Chinna Maanguppam Village, Hamlet of Nandiyalam Village, Walaja Taluk, Ranipet District

For Petitioner : Mr.N.Suresh

For Respondents : Mr.S.Arumugam
Government Advocate

Order

(Order of the Court was made by R.Suresh Kumar J.)

The prayer sought for herein is to call for the records of the 3rd respondent in respect of the notice dated 23.08.2025 issued under Section 7, of Act 3/1905 and quash the same and thereby forbear the respondents from interfering in the petitioners possession and enjoyment in S.No.580/3, New

S.No.580/3B and 3C measuring an extent of 3815 Sq. ft. (8.75 cents) at Chinna Maanguppam Village, Hamlet of Nandiyalam Village, Walaja Taluk, Ranipet District.

2. The property at S.No.580/3B, Old S.No.580/3 situated at Chinna Maanguppam Village, Hamlet of Nandiyalam Village, Walaja Taluk, Ranipet District was purchased by the petitioner to the extent of 0.03?2 Ares equal to 3815 Sq.ft. Subsequently, according to the revenue records, some subdivision seems to have been made, under which the Survey No.580/3B has been made equal to 0.0312 Hectares in the name of the petitioner and Survey No.580/3C to the extent of 0.00.62 Hectares has been mentioned as Boosthi Sandhu ie., Boosthi Lane. Only in that context, the revenue authorities, having invoked the provisions of Act 3 of 1905, issued a notice under Section 7 of the said Act dated 23.08.2025, which has been replied by the petitioner vide reply dated

03.09.2025, where, he wanted to survey the land as the extent of the land which he purchased in S.No.580/3B is equal to 3 ½ Ares ie., equal to 3815 Sq.ft.

3. It seems that no such survey had been made by the revenue authorities, but only on the basis of the revenue records they proceeded to issue notice under Section 7 of the Land Encroachment Act, which is impugned herein, wherein it is stated that the land measuring an extent of 0.00.62 Hectares at S.No.580/3C is a Government land and it has been encroached by the petitioner.

4. Heard Mr.N.Suresh learned counsel for the petitioner and Mr.S.Arumugam, learned Government Advocate for the respondents.

5. In the very sale deed document dated 28.04.2003, in the schedule itself, it has been specifically mentioned that the land at S.No.580/3B Old

S.No.580/3 to the extent of 0.03½ Ares equal to 0.08.¾ Acres. Therefore, the said 3½ has been wrongly taken as 0.0312 Hectares and therefore to that extent of 0.0062 Hectares has been carved out as a new survey number in S.No.580/3C. Anyhow, these aspects have to be verified and rectified by the Revenue authorities for which a survey has to be taken on the basis of the documents to establish the title of the petitioner to be produced before the revenue authorities.

6. In that view of that matter, the following orders are passed.

(a)The impugned notice dated 23.08.2025 issued under Section 7 of Act 3 of 1905 is set aside.

(b)The respondents are directed to issue notice to the petitioner for production of the documents pertaining to the title claimed by the petitioner to the Revenue Tahsildar / third respondent and on production of such documents, after verifying the same necessary survey be conducted by the third respondent, of course by paying necessary costs for the survey by the petitioner, and after completing the survey, the correct extent of the petitioner be ascertained and accordingly further course of action can be decided by the third respondent, of course after giving an opportunity of being heard to the petitioner.

With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.K.,J.) (H.C.,J.)

24-09-2025

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

KST

R.SURESH KUMAR J.

AND

HEMANT CHANDANGOUDAR J.

KST

To

1.The District Collector

Ranipet District, Ranipet.

2.The Revenue Divisional Officer

Ranipet District, Ranipet.

3.The Tashildar

Walaja Taluk, Walaja.

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