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W.P No. 37517 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-10-2025

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR

WP No. 37517 of 2025 AND

WMP NO. 41974 OF 2025

M/s.Sree Sumangala Metals And Industries (P) Limited
Rep. By Its Director Mr. Natesan Thangavelur, Having Its
Regd. Office At New No.130 A (290a) 4th Floor, St.
Marys Road Alwarpet, Chennai 600 018, And Having Its
Factory At No.131/5, Door No.106, Gnt Road, Athipedu,
Allingivakkam Post, Ponneri Taluk, Thiruvallurvar
District, Chennai-600 067

..Petitioner

Vs

1. The District Collector
Thiruvallur District, Tiruvallur.
2. The Tahsildar
Ponneri Taluk, Tiruvallur District, Tiruvallur.
3. The Superintendent Of Police
Tiruvallur District, Tiruvallur
4. The Assistant Engineer
Tamil Nadu Generation And Distribution
Corporation Ltd, (tangedco), Panchetty Sub
Station, Tiruvallur.



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5. M/s. Lanka Trading Private Limited
Rep. By Its Managing Director A. Ravi, 106,
G.N.T. Road, Athipedu Village,
Jaganathapuram, 2, Athipedu Post, Sholavaram
Firka, Ponneri Taluk, Tiruvallur District.

..Respondent(s)

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus forbearing the Respondent Nos.1 to 4 from interfering with the peaceful possession of the factory premises under Tamil Nadu Land Encroachment Act, 1905 and further direct them to restore the original position of the premises admeasuring about 32 cents comprised in S.No.477/1 at Athipedu Village, Ponner until the issue is resolved legally as per law.

For Petitioner : Mr. Krishna Ravindran

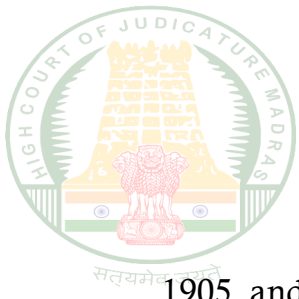
For Respondents : Mr.R.Ramanlal, Additional Advocate
General assisted by Mr.S.Arumugam,
Government Advocate - For R1 to R3

Mr.G.Nanthagopal - for R5

Order

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

The prayer sought for herein is for the issuance of a Writ of Mandamus forbearing the Respondent Nos.1 to 4 from interfering with the peaceful possession of the factory premises under Tamil Nadu Land Encroachment Act,



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1905 and further direct them to restore the original position of the premises admeasuring about 32 cents comprised in S.No.477/1 at Athipedu Village, Ponneri.

2. It is the case of the petitioner that he is the lessee under the 5th respondent who claims to be the owner of the property measuring about 32 cents comprised in S.No.477/1 at Athipedu Village, Ponneri Taluk, Tiruvallur District. In the land in question which has been leased out by the fifth respondent to the writ petitioner, the petitioner has established a factory, that means, part of the factory premises is established in the said leased land, which is now allegedly an encroached portion of the Government land is the stand taken by the official respondents.

3. Therefore, the issue has gone to the appellate authority viz., the District Collector under the provisions of the Land Encroachment Act, 1905, who having heard the said appeal, dismissed the same by order dated 22.09.2025 under Section 10 of the said Act. In the order dated 22.09.2025, the first respondent / District Collector, by rejecting the appeal filed by the fifth respondent, has directed him to remove the encroachment forthwith, otherwise, action would be initiated against him under the provisions of Act 3 of 1905.



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4. It is under these circumstances, the second respondent and his men seems to have made an attempt to evict the petitioner who is none other than the lessee under the fifth respondent, thereby, on 25.09.2025, with the help of the JCBs, the second respondent had demolished a portion of the factory run by the petitioner under the guise of removal of encroachment because of the dismissal of the appeal by the first respondent / District Collector / appellate authority vide his order dated 22.09.2025.

5. Therefore, the petitioner has approached this Court with the present writ petition with the aforesaid prayer seeking a writ of Mandamus forbearing the respondents 1 to 4 from interfering with the peaceful possession of the factory premises under Act 3 of 1905 and further direct the respondents to restore the original position of the premises.

6. At this stage, the fifth respondent against whom the eviction order has been passed by dismissing his appeal by the District Collector on 22.09.2025 has represented before this Court stating that the order dated 22.09.2025 has not been served. However, this factor is denied by the learned Additional Advocate



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General appearing for the official respondents 1 to 3, who submits that the copy of the order passed by the first respondent dated 22.09.2025 has already been sent and it has been received by the fifth respondent.

7. Be that as it may. Now, across the table the copy of the order dated 22.09.2025 has been filed before this Court and a copy has been served to the writ petitioner as well as the fifth respondent through their counsel.

8. Learned counsel for the fifth respondent, on receipt of a copy of the order dated 22.09.2025 has stated that, as against the order dated 22.09.2025 since revision provision is made available under Act 3 of 1905, he may be permitted to file such a revision, where, whatever defences he wants to take against the eviction order would be taken.

9. In this context, learned Additional Advocate General also would submit that, it is open to the fifth respondent to make a revision against the order dated 22.09.2025, however, under the guise of filing a revision by the fifth respondent, the petitioner who claims to be the lessee cannot take any shelter from escaping the clutches of law ie., facing the eviction proceedings at the hands of the second respondent.



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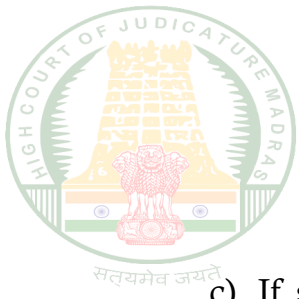
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10. We have considered the rival submissions made by the learned counsel for the parties and have perused the materials placed on record.

11. Insofar as the land in question to the extent of 32 cents as claimed by the petitioner as lessee of the land under the fifth respondent is concerned, it is the stand of the fifth respondent that it is his own land or patta land and this issue since has been concluded at least till the stage of appeal by the order passed by the District Collector dated 22.09.2025, it can further be agitated by the fifth respondent by filing a revision under Section 10A(1)(c) of Act 3 of 1905.

12. The fifth respondent wants to take the said course of action and in view of the said stand, this Court is inclined to dispose of this writ petition with the following orders.

- a) It is open to the fifth respondent to prefer a revision under Section 10A(1)(c) of Act 3 of 1905 against the order passed by the first respondent / District Collector dated 22.09.2025 within a period of two weeks from the date of receipt of a copy of this order.
- b) It is further open to the fifth respondent to file a stay petition as against the order dated 22.09.2025 along with the revision petition.



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- c) If such a revision petition is filed, the Commissioner for Land Administration shall consider the revision, if not the revision immediately, at least the stay petition can be taken up and after giving an opportunity of hearing to the parties concerned, that can be decided on merits and in accordance with law, preferably within a period of one month thereafter.
- d) Till the disposal of either the stay petition or the revision petition to be filed by the fifth respondent, the present status quo as on today shall be maintained at the land in question, that means, the present possession of the writ petitioner being the lessee of the fifth respondent shall not be disturbed.
- e) It is further made clear that, once a decision is taken by the Commissioner of Land Administration in the revision petition to be filed by the fifth respondent as indicated above, it is open to the authorities concerned to act upon on the basis of such a decision.

13. With the above directions, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

(R.S.K.,J.) (H.C.,J.)
13-10-2025

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



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Note : Issue order copy on 15.10.2025



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To

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Tiruvallur District, Tiruvallur.
2. The Tahsildar
Ponneri Taluk, Tiruvallur District, Tiruvallur.
3. The Superintendent Of Police
Tiruvallur District, Tiruvallur
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**R.SURESH KUMAR J.
AND
HEMANT CHANDANGOUDAR J.**

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