



W.P.No.42496 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2025

C O R A M

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.42496 of 2025

and

W.M.P.Nos.47554, 47557 & 47558 of 2025

1.Jackriya

2.Abdul Gani

... Petitioners

-VS-

1.The Government of Tamil Nadu,
Rep. by its Additional Chief Secretary,
Department of Revenue, Disaster Management,
Land Disposal Wing, Fort St. George,
Chennai – 600 009.

2.The District Collector,
Thiruvallur District.

3.The Tahsildar,
Poonamallee Taluk,
Thiruvallur District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent in Proceedings No.Na.Ka.17226/2024/N1 dated 14.07.2025 and quash the same and consequentially direct the 2nd and 3rd respondents to either grant patta or alternate accommodation to the petitioners and similarly placed others.



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For Petitioners : Ms.Ramya Murali Kumaran
for M/s.Mcgan Law Firm

For Respondents : Mr.T.Arun Kumar
Addl. Govt. Pleader

ORDER

(Order of the Court was made by S.M.SUBRAMANIAM,J.,)

The present Writ Petition has been instituted challenging the order dated 14.07.2025 passed by the District Collector, Thiruvallur.

2. The entertainability of the present Writ Petition is to be examined at the first instance. The revenue Authorities during inspection found that the petitioners have encroached upon the Government land, which stands in the name of the District Elementary Educational Officer for running Government School. The two writ petitioners in the present Writ Petition along with few other encroachers have earlier approached the competent Authorities and the issues are finally decided by the Government in G.O.Ms.No.104, Revenue and Disaster Management, Land Disposal Wing, dated 25.04.2019. Enforcement actions were initiated against the encroachers under the provisions of the Tamil Nadu Land Encroachment Act, 1905. Section 7 notice was issued and after affording opportunity to



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the encroachers, final notice under Section 6 was issued. The encroachers preferred an appeal under Section 10 of the Land Encroachment Act and the District Collector rejected the appeal. Having aggrieved, the encroachers preferred a review petition under Section 10A(1)(c) of the Tamil Nadu Land Encroachment Act, 1905 before the Government. The Government rejected the claim by considering the issues elaborately and by affording opportunity to the parties. Thus, the issues had reached finality. The encroachers have exhausted all the statutory remedies contemplated under the Land Encroachment Act.

3. Aggrieved by the order of the Government passed in G.O.Ms.No.104, Revenue and Disaster Management, Land Disposal Wing, dated 25.04.2019 the petitioners along with few other encroachers filed W.P.No.15031 of 2019 challenging the order of Government. The Division Bench of this Court considered the merits and passed final orders on 22.03.2024, confirming the Government Order and the Writ Petition came to be dismissed. However, the Division Bench made an observation that if any of the encroachers are homeless poor people they may be considered for allotment of alternative accommodation by the Tamil Nadu Urban habitat Development Board at Chennai by ascertaining the eligibility under the relevant statutes or schemes.



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4. To secure an alternate tenement eligible persons have to submit an application before the Tamil Nadu Urban habitat Development Board or to the competent Authorities for consideration. However, such observation will not prevent the Authorities from evicting the persons, which was made clear by this Court in final order dated 22.03.2024. The eviction proceedings are directed to be completed within four weeks from the date of receipt of a copy of the order. Eligible persons instead of filing application, have chosen to develop second round of litigation by filing another Writ Petition in W.P.No.14424 of 2024 seeking a relief to forbear the respondents from evicting the petitioners from the subject property. Such a relief *per se* is not maintainable, in view of the fact that the issues were already adjudicated elaborately and the Government Order issued in G.O.Ms.No.104, dated 25.04.2019 was confirmed by the Division Bench of this Court.

5. However, the Division Bench during the vacation Court directed the Authorities to consider the representation dated 26.05.2024 by the Collector. Pursuant to the directions issued by the Division Bench to consider the representation submitted by the writ petitioner, the District Collector, Thiruvallur again conducted an enquiry and passed a detailed



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order considering the facts as well as the Government Order issued in G.O.Ms.No.104, dated 25.04.2019 and rejected the representation.

6. Once the statutory appeals are exhausted and the Division Bench of this Court confirmed the order of the Government, any representation filed thereafter even before the Authorities are not maintainable. Nor such representations would provide a cause to institute a Writ Petition. However, during vacation Court such directions are secured to consider the representation once again and the District Collector reiterated the Government Order passed in the revision petition as well as the order passed by the Division Bench of this Court and rejected the representation. Thereafter, the present Writ Petition filed challenging the order of the District Collector. Once statutory revision petition filed under Section 10A(1)(c) of the Tamil Nadu Land Encroachment Act, 1905 has been rejected by the Government in G.O.Ms.No.104, dated 25.04.2019, the subsequent representation, Writ Petition as well as the orders of the District Collector, which is impugned in the present Writ Petition are unnecessary and the petitioner has made attempt to develop multiplicity of legal proceedings in order to prolong and protract eviction proceedings or to escape from the eviction proceedings.



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7. Such conduct of the litigants, at no circumstances be encouraged by the Court. Probably such litigation are subsequently developed by the litigants due to ill advice of the legal brains, which cannot be approved by this Court. Since the issues in entirety have been elaborately considered by the Government in statutory revision entertained under section 10A(1) (c) and the final order was passed in G.O.Ms.No.104, dated 25.04.2019, which was confirmed by the Division Bench of this Court vide order dated 22.03.2024 in W.P.No.15031 of 2019, the present Writ Petition reopening the issues in a different form is not maintainable and re-adjudication of the merits already adjudicated by the Government as well as the Division Bench of this Court is impermissible

8. For all these reasons, the Writ Petition stands dismissed. No costs. W.M.P.No.47554 of 2025 is ordered and the other two Writ Miscellaneous Petitions are closed.

(S.M.S,J.) (C.K,J.,)
11.12.2025

Index: Yes / No
Internet: Yes / No
dsa



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To:

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Government of Tamil Nadu,
Department of Revenue, Disaster Management,
Land Disposal Wing, Fort St. George,
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