



WEB COPY



W.P.No.39577 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2025

C O R A M

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.39577 of 2025 and

W.M.P.No.44457 of 2025

M.Bhuvaneswari

... Petitioner

-vs-

1. The Sub-Collector / Revenue Divisional Officer,
Ponneri Revenue Division,
Ponneri-601 204,
Tiruvallur District.

2. The Tahsildar,
Gummidipoondi Taluk Office,
Gummidipoondi-601 201,
Tiruvallur District.

3. The Revenue Inspector,
Gummidipoondi Firka,
O/o.Gummidipoondi Taluk Office,
Gummidipoondi-601 201,
Tiruvallur District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the 2nd respondent to consider the representation dated 04.07.2025 of the petitioner presented against the notice issued by the 3rd respondent dated 02.07.2025 in respect of the issue relating to the property, being an agricultural land, comprised in Survey No.375/8, measuring to an extent of 0.22.5, hectare, situated at



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No.79, Kizhmulalambedu Village, Gummidipoondi Firka and Taluk, Tiruvallur District after taking into consideration of the pendency of the suits in accordance with law.

For Petitioner : Mr.R.Munuswamy

For Respondents : Mr.Vadivelu Deenadayalan
Addl. Govt. Pleader

ORDER

(By.S.M.SUBRAMANIAM,J.,)

The Writ Petition has been instituted, challenging the notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 (in short 'the Act, 1905').

2. The learned counsel for the petitioner would mainly contend that notice under Section 6 of the Act, 1905 has not been served on the petitioner. That apart, a Civil Suit has been instituted, which is pending before the competent Civil Court. Written Submission has also been filed. That being so, initiation of eviction proceedings under the Act, 1905 is impermissible.

3. The learned Additional Government Pleader would oppose this petition, by stating that procedure as contemplated under the Act,



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1905 has been followed. Section 7 Notice was issued after affording an opportunity of hearing to the petitioner to submit her explanation. The petitioner submitted her explanation, which was considered by the competent authority and finally, notice under Section 6 was issued. The said notice was served on the petitioner. After serving final notice under Section 6, the encroached land has been resumed by the Revenue Authorities and a Board has been affixed by the Revenue Authorities, stating that possession has been taken by the Revenue Authorities.

4. The vacant land has been encroached upon. Thus, taking possession by affixing the Board would be sufficient. If at all, the petitioner is aggrieved, she may prefer an appeal under Section 10 of the Act, 1905 before the District Collector, by raising all the grounds. No writ petition is maintainable against a Notice issued under Section 7 of the Act, 1905. Since it is an initial notice for affording an opportunity to an encroacher, it is not amenable to writ jurisdiction ordinarily, unless it has been issued by an incompetent authority having no jurisdiction, tainted with the allegations of malafide. In the present case, procedures have been followed and possession has also been taken over by the Revenue Authorities. That being so, the Writ Petition deserves no further consideration.



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AND
C.KUMARAPPAN, J.

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Consequently, the Writ Petition stands dismissed. No costs. The connected Miscellaneous Petition is also closed.

(S.M.S,J.) (C.K,J.)
01.12.2025

Index: Yes
Internet: Yes
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To:

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