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W.P.No.39853 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.10.2025

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE S. SOUNTHAR

W.P.No.39853 of 2025

Dhanalakshmi .. Petitioner

Vs.

1. Government of Tamil Nadu
Rep. by its Secretary to Government
Land Administration Department
Secretariat, Chennai – 600 009.

2. The District Collector
Tiruvallur Collector's Office
Tiruvallur District.

3. The Tahsildar
Thiruttani Town and Taluk
Tiruvallur District – 631 209.

4. Public Works Department
Rep. by its Junior Engineer
(Water Irrigation Department (Ku/Po))
Irrigation Division, Thiruttani.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, seeking a writ of certiorarified mandamus, calling for the records of the fourth respondent in their proceedings vide K.No.D16/JE/Thiruttani/2025 dated 17.10.2025 to remove the alleged encroachment by the petitioner in Survey No.93/3 on 23.10.2025 at about 10 a.m. or any later date and quash the same and consequently forbearing the 3rd and 4th respondents from in anyway interfering with the petitioner's peaceful possession and enjoyment of the house and office at S.No.93/3 to an extent of 0.05



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cents at No.211A, Sai Baba Nagar, Chittor Road, Amirthapuram, Thiruttani, Thiruvallur District – 631 209, particularly by evicting the petitioner from the above said premises pending final determination of the petitioner's revision petition dated 10.10.2025 under Section 10(1)(c) of the Tamil Nadu Land Encroachment Act, 1905, by the first respondent.

For the Petitioner : Mr.D.S.Rajasekaran

For the Respondents : Mr.T.Chezhiyan
Additional Government Pleader

ORDER

(Order of the Court was made by R.SURESH KUMAR, J.)

The prayer sought herein is for a writ of certiorarified mandamus, to call for the records of the fourth respondent in proceedings vide K.No.D16/JE/Thiruttani/2025 dated 17.10.2025, to remove the alleged encroachment by the petitioner in Survey No.93/3 on 23.10.2025 at about 10 a.m. or any later date and quash the same and consequently, forbear respondents 3 and 4 from in anyway interfering with the petitioner's peaceful possession and enjoyment of the house and office at S.No.93/3 to an extent of 0.05 cents at No.211A, Sai Baba Nagar, Chittor Road, Amirthapuram, Thiruttani, Thiruvallur District – 631 209, particularly by evicting the petitioner from the above said premises, pending final determination of the petitioner's revision petition dated 10.10.2025 under Section 10(1)(c) of the Tamil Nadu Land Encroachment Act, 1905¹, by the first respondent.

¹ In short, hereinafter referred to as "the Act of 1905"



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2. In respect of the land in Survey No.93/3, Stream Poromboke Land, Amirthapuram Village, it is the contention of the Revenue Authorities as well as the Department of Water Resources of the Government of Tamil Nadu that, the land is a stream poromboke, that is a waterbody, where, allegedly, the present petitioner has encroached upon the property. Therefore, in order to remove such encroachment, already proceedings have been initiated under the provisions of the Act of 1905, which, ultimately culminated in an order of rejection in an appeal filed by the petitioner by the second respondent/District Collector.

3. In view of the dismissal of the appeal filed under Section 10 of the Act of 1905 filed by the petitioner, now, the fourth respondent, that is the Water Resources Department of the State Government, through its Junior Engineer, Irrigation Section, Tiruttani, has issued proceedings dated 17.10.2025 by fixing the date as 23.10.2025 for removal of such alleged encroachment against the petitioner. That is the order impugned in the present writ petition.



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4. Heard *Mr.D.S.Rajasekaran*, learned counsel for the petitioner, who would submit that, as against the order passed by the District Collector under Section 10 of the Act of 1905 in the appeal filed by the petitioner, a revision has been filed under Section 10(1)(c) of the Act of 1905 before the first respondent on 10.10.2025, which is pending before the said Authority. Therefore, if the revision is directed to be disposed of, on merits and in accordance with law, within a time frame to be stipulated by this Court and till such time, if interim protection is given to the subject property, where the petitioner claims to have been in possession and also claims that assessment had been given in his favour, which in fact is claimed contrary by the Department, saying that it is a stream poromboke, the petitioner would be satisfied he contended.

5. We have heard *Mr.T.Chezhiyan*, learned Additional Government Pleader for the respondents, who would submit that, the revision pending before the first respondent, which admittedly has been filed only on 10.10.2025, would be taken up and disposed of on priority basis within a time frame that may be stipulated by this Court.



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6. Having regard to the aforesaid facts and circumstances, this Court is inclined to dispose of this writ petition with the following orders:-

(i) That there shall be a direction to the first respondent to decide the revision dated 10.10.2025 filed by the petitioner under Section 10(1)(c) of the Act of 1905 in respect of the said issue by giving an opportunity of being heard to the petitioner within a period of two months from the date of receipt of a copy of this order. Till such time no further coercive action shall be taken by the respondents, especially, the fourth respondent, pursuant to the order impugned dated 17.10.2025.

(ii) It is made clear that, once the revision filed by the first respondent is disposed, depending upon the outcome of the said decision by the first respondent, further course of action, if any, could be decided by respondents 3 and 4 against the petitioner.



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7. With these observations and directions, the writ petition is disposed of. However, there shall be no order as to costs. Consequently, W.M.P.no.44766 of 2025 is closed.

(R.S.K., J.) (S.S., J.)
24.10.2025

Speaking Order/Non-Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No
Index: Yes/No

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R. SURESH KUMAR, J.
AND
S. SOUNTHAR, J.

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