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W.P.Nos.42802 of 2025 etc., batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2025

CORAM

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR**

**W.P.Nos.42802, 42804, 42806, 42815 & 42817 of 2025
and
W.M.P.Nos.47856, 47857, 47858, 47859, 47860, 47861, 47869, 47870, 47871
& 47873 of 2025**

Suki Ramasamy	...	Petitioner in W.P.No.42802 of 2025
Christi Leela Stalin	...	Petitioner in W.P.No.42804 of 2025
Sakthi	...	Petitioner in W.P.No.42806 of 2025
Shanmuga Kani	...	Petitioner in W.P.No.42815 of 2025
S.Gomatheeswari	...	Petitioner in W.P.No.42817 of 2025

-Vs-

1. The District Collector,
The Collectorate,
Singaranvelan Malagi, Chennai - 600 001.
 2. The Tahsildar,
Sholinganallur Taluk,
No.1, Rajiv Gandhi Salai,
1st Cross Street, Sholinganallur,
Chennai - 600 119.
 3. The Revenue Inspector,
Sholinganallur Taluk, Chennai - 600 119.
 4. The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai - 600 003.
- ... Respondents in all cases



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COMMON PRAYER : Petitions filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, to call for the records pertaining to the impugned order passed by the respondents in Section 6 of the Land Encroachment Act dated 19.09.2025 and quash the same as illegal.

For Petitioners : Mr.S.Thiruvengadam
in all cases

For Respondents : Mr.T.Chezhiyan
in all cases Addl. Govt. Pleader for R1 to R3
Ms.P.T.Ramadevi
Standing Counsel for R4

C O M M O N O R D E R

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

Since the issue raised in all these writ petitions are one and the same, with the consent of the learned counsel appearing for both sides, all these writ petitions have been heard together and are disposed of by this common order.

2. Invariably, in all these writ petitions, order passed under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905) have been questioned. It is to be noted that, parallelly, the respective writ petitioners already approached the appellate authority, i.e., District Collector concerned under Section 10 of the said Act by filing separate appeals and those appeals are pending.



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3. When appeals are pending, why such writ petitions have been filed before this Court was the question posed by this Court before Mr.S.Thiruvengadam, learned counsel appearing for the petitioners, the cryptic reply from the learned counsel for the petitioners would be that, even though as against Section 7 notice, detail reply has been given by each of the petitioners pointing out that the land in question is a patta land it cannot be brought under the purview of the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905) itself, that aspect has not been given consideration as reflected in the order which is passed under Section 6 of the Act which is in the cyclostyle form, therefore, that is the main reason even though the appeals have been filed in all these cases parallelly, the jurisdiction of this Court under Article 226 by filing writ petitions have been invoked.

4. Be that as it may, since the appeals have already been filed which is an alternative efficacious appeal remedy provided under the Act which has been invoked by the respective writ petitioners, we do feel that, let the appeals be disposed of on merits and in accordance with law. This of our view is also supported by Mr.T.Chezhiyan, learned Additional Government Pleader appearing for the respondents 1 to 3 and Ms.P.T.Ramadevi, learned Standing Counsel appearing for the fourth respondent.



5. In that view of the matter, this Court is inclined to dispose of these writ petitions in this common order to the following effect:

(i) that there shall be a direction to the first respondent / District Collector being an Appellate Authority under the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905) to decide the separate appeals filed or pending before him on merits and in accordance with law by giving an opportunity of being heard to the petitioners as well as the Revenue Department.

(ii) It is open to the petitioners to raise the point which they wanted to raise before this Court including the ground that the land does not belong to the Government as poramboke land but brought under the purview of the Act. If such a plea is raised by the petitioners before the Appellate Authority, namely, District Collector, the same shall be considered and that also to be answered in the disposal of the appeals to be passed by the Appellate Authority, namely, District Collector.

(iii) The needful as indicated above in disposing the appeals shall be made by the Appellate Authority, namely, District Collector, within a period of two months from the date of receipt of a copy of this order.

(iv) We hope and trust that, till such time, no coercive steps shall be taken to remove the alleged encroachment.



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6. With these directions, these Writ Petitions are disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(R.S.K., J.) (H.C., J.)
10.11.2025

NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji

To

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