



WEB COPY



WP No. 42510 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-11-2025

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR

**WP No. 42510 of 2025 AND
WMP Nos. 47581 and 47583 OF 2025**

K. Kolanjinathan
S/o.Karuppa Gounder, No.305/3, Nagar Road,
Nallur Village And Post, Veppur Taluk,
Cuddalore District- 606 302.

..Petitioner

Vs

- 1.The District Collector
Cuddalore District, Cuddalore.
- 2.The Tahsildar
Veppur Taluk, Cuddalore District.

..Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for a writ of Certiorarified Mandamus calling for the records of 2nd respondent particularly that of the 2nd respondent dated 17.09.2025 issued under section 7 of Act 1905, Chennai III and quash the same as illegal, unlawful, ultravires and consequently forbear the respondents, their men, agents, officials or anyone acting on their behalf from in any manner interfering with not meddling with the immovable property owned by the petitioner situate at No.305/3, Nagar Road, Nallur village and post, veppur

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Taluk, Cuddalore district- 606 302, having an extent of 12 cents or thereabouts situate within the SRO Nallur and X-1, Veppur Police Station.

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For Petitioner : Mr.T.S.Rajamohan

For Respondents : Mr.A.Selvendran
Special Government Pleader

Order

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

The prayer sought for herein is for a Writ of Certiorarified Mandamus calling for the records of 2nd respondent particularly that of the 2nd respondent dated 17.09.2025 issued under section 7 of Act 1905, Chennai III and quash the same as illegal, unlawful, ultravires and consequently forbear the respondents, their men, agents, officials or anyone acting on their behalf from in any manner interfering with not meddling with the immovable property owned by the petitioner situate at No.305/3, Nagar Road, Nallur village and post, veppur Taluk, Cuddalore district- 606 302, having an extent of 12 cents or thereabouts situate within the SRO Nallur and X-1, Veppur Police Station.

2. In respect of the land situated at S.No.305/3, Nagar Road, Nallur Village and Post, Veppur Taluk Cuddalore Distrct, it is a dispute as to



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whether it is a Patta land belongs to the petitioner or a Government Poramboke land.

3. Since it is the stand of the revenue authorities that, it is a Government Poramboke land, the Tahsildar concerned ie., the Tahsildar, Veppur Taluk, Cuddalore District / second respondent herein, by invoking Section 7 of the Land Encroachment Act, 1905, issued a notice dated 17.09.2025, which in fact has been replied by the petitioner on 19.09.2025 stating that the land belongs to the petitioner and if survey is conducted in the presence of the petitioner, after putting him under notice, this position would have been made known to the revenue authorities.

4. Despite the reply having been submitted by the petitioner, without considering the same the respondents are trying to evict the petitioner, is the apprehension raised on behalf of the petitioner and therefore he has approached this Court by filing the present writ petition.

5. We have heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.

6. Learned Special Government Pleader would point out that, there is an earlier Division Bench order dated 08.09.2025 made in W.P.No.33499 of 2025, where the present petitioner was the fourth respondent. The said



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writ petition was filed to remove the encroachment and only pursuant to the order passed by the Writ Court, the survey was conducted, based on which the Section 7 notice was issued.

7. We have considered the rival submissions made by both sides and have perused the materials placed on record.

8. As it is only a Section 7 notice, for which a reply also has been given by the petitioner on 19.09.2025, it is for the respondent to consider the reply and to pass orders that is being contemplated under Section 7 as well as Section 6 of the Land Encroachment Act. Without considering the said reply, no coercive steps can be taken by the revenue authorities.

9. In that view of the matter, we are inclined to dispose of this writ petition with the following orders.

- (a) There shall be a direction to the second respondent Revenue Tahsildar to consider the reply given by the petitioner dated 19.09.2025 and pass orders thereon either under Section 6 of the Land Encroachment Act or otherwise.
- (b) If any orders are passed by the Revenue Tahsildar under Section 6 of the Act towards eviction of the petitioner, it is open to the petitioner to agitate the same by preferring an appeal before the first respondent / District Collector being the appellate



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authority under the said Act in the manner known to law.

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(c) Till such final order under Section 6 of the Act is passed, no coercive steps shall be taken against the petitioner.

10. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

(R.S.K.,J.) (H.C.,J.)
06-11-2025

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

KST

To

1. The District Collector
Cuddalore District, Cuddalore.
2. The Tahsildar
Veppur Taluk, Cuddalore District.



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**R.SURESH KUMAR J.
AND
HEMANT CHANDANGOUDAR J.**

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