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W.P.No.43470 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2025

CORAM

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

**W.P.No.43470 of 2025
and
W.M.P.Nos.48634 & 48635 of 2025**

T.R.Sahadevan

... Petitioner

-Vs-

1. The Secretary to Government,
Fort St.George,
Secretariat,
Chennai.
2. The District Collector,
The Collectorate,
Singaranvelan Malagi,
Chennai – 600 001.
3. The Tahsildar,
Sholinganallur Taluk,
No.1, Rajiv Gandhi Salai,
1st Cross Street, Sholinganallur,
Chennai – 600 119.
4. The Tahsildar,
Velachery Taluk,
Seva Nagar 1st street, Soni Nagar,
Periyar Nagar Extension,
Seva Nagar, Velachery,
Chennai – 600 042.

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records of the second respondent passed in Order No.J 11/e-3861275/2025 dated 30.10.2025 and to quash the same as illegal and direct the second respondent to resurvey the land in accordance to the Old Sketch and fix the boundary.

For Petitioner : Mr.S.Praveenkanth
For Respondents : Mr.M.Suresh Kumar
Additional Advocate General
assisted by Mr.R.P.Murugan Raja
Government Advocate

O R D E R

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

The prayer sought for herein is for a writ of certiorarified mandamus, to call for the records of the second respondent in Order No.J 11/e-3861275/2025 dated 30.10.2025 and to quash the same and direct the second respondent to resurvey the land in accordance to the old sketch and fix the boundary.

2. The impugned order dated 30.10.2025 passed by the second respondent / District Collector is nothing but a dismissal of the appeal filed under Section 10 of the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of



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1905) as against Section 6 order passed by the Revenue Tahsildar under the said Act.

3. The Dispute is with regard to 645 sq.mts of land at Survey No.658/1A at Pallikaranai Village, Sholinganallur Taluk, Chennai District which according to the Revenue Department is the land belongs to the Government, i.e., poramboke land which is being encroached upon by the petitioner who made construction therein, i.e., part of the hospital building constructed by the petitioner.

4. In order to remove such encroachment, Section 7 notice initially was issued followed by Section 6 order, aggrieved over the same, he filed an appeal before the District Collector who after having considered all these factual matrix has rejected the said appeal through the impugned order.

5. Though Mr.S.Praveenkanth, learned counsel appearing for the petitioner would submit that they have conducted a private survey and if at all they have to identify the exact land in Survey No.658/1A, they must resurvey the land and unless they make the resurvey, they cannot come with a case to state that the petitioner has encroached upon 645 sq.mts of land at Survey No.658/1A, we are not impressed with the said submissions made by the



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learned counsel appearing for the petitioner for the simple reason that, this kind of issue cannot be sorted out by filing a writ petition as against the order passed by the District Collector being the Appellate Authority under Section 10 of the Act. The reason being that, as against the order to be passed by the District Collector being the Appellate Authority, revision would lie before the Secretary to Government under Section 10-A(2) of the Act. If such a revision is filed, where also these kind of interim relief or miscellaneous relief can be sought for by the petitioner also by filing appropriate application therein, without exhausting such an alternative efficacious revisional remedy which is available under the Statute, since this writ petition has been filed, we are not impressed with the said plea raised by the learned counsel appearing for the petitioner, resultantly, this writ petition is liable to be dismissed on the ground of non-exhausting of alternative remedy.

6. Accordingly, this Writ Petition is dismissed with a liberty to the petitioner to approach the Revisional Authority by filing an appropriate revision petition within a period of two weeks from the date of receipt of a copy of this order. Along with the said revision petition, it is open to the petitioner to file miscellaneous application to seek for an interim relief or miscellaneous relief, if such application is filed, the Revisional Authority shall consider the same on merits and in accordance with law at the earliest preferably within a period of



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two months from the date of such application. Till such time, no coercive steps shall be taken by the respondents pursuant to the order impugned. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(R.S.K., J.) (H.C., J.)
17.11.2025

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

vji

To

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