



W.P.(MD) No. 19636 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

**W.P.(MD) No. 19636 of 2025
and
W.M.P.(MD) No.15082 of 2025**

P.Sweety

... Petitioner

Vs

1. The Director,
HR & CE Department,
Chennai.

2. The Joint Commissioner,
HR & CE (Administration) Department,
Thanajvur.

3. The Assistant Commissioner,
HR & CE (Administration) Department,
Pudukkottai.

4. The Executive Officer,
A/m. Pragathambal Thirukoil,
Thirukokarnam,
Pudukkottai District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records on the file of second respondent in connection with the impugned order passed in his proceedings in M.P.No. 58/2023/E2, dated 28.01.2025 as illegal and arbitrary and quash the same and consequently, forbear the respondents from evicting the petitioner from the petitioner's land admeasuring of 390 square feet, situated in T.S.No. 7163/2 at Maharajapuram road, Thirukokarnam post, Pudukkottai District, based on the petitioner's representation, dated 10.07.2025.

For petitioner : Mr. P. Pagalavan

For respondents : Mr.S.S.Madhavan
Additional Government Pleader for R1 to R3
Mr.G.Mathavan
Standing Counsel for R4

ORDER

This Writ Petition is disposed of at the time of admission with the consent of the learned counsel for the petitioner, learned Additional Government Pleader for the respondents 1 to 3 and learned Standing Counsel for the fourth respondent.

2. The petitioner is aggrieved by the impugned order, dated 28.01.2025



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passed by the second respondent/Joint Commissioner in M.P.No.58/2023/2.

3. It is the case of the petitioner that the petitioner was neither served with notice under Section 78 of the TNHR&CE Act, 1959 nor the description of the property mentioned in the purported encroachment is correct. According to the petitioner, the petitioner is in possession of the property in Survey No.7163/2 to an extent of 390 sq.ft.

4. It is noticed that the petitioner had been served with the impugned order, dated 28.01.2025 and prior to the said proceedings, the petitioner would also have been served with notice. The petitioner failed to participate in the proceedings and thus, the petitioner has suffered an adverse order in the hands of the second respondent under Section 78 of the TNHR&CE Act, 1959.

5. The learned Additional Government Pleader for the respondents 1 to 3 submits that when the respondents went to execute the impugned order, dated 28.01.2025, on 10.07.2025, the petitioner undertook to vacate the premises. However, filed this Writ Petition on 16.07.2025 and has listed the Writ Petition



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today by securing a slip for lunch motion.

6. By way of rejoinder, the learned counsel for the petitioner submits that the petitioner is in possession of the property since 2003, without any hindrance and disturbances and therefore, submits that on this account, the impugned order is liable to be quashed.

7. *Prima facie*, the petitioner has an alternative remedy before the Commissioner under Section 21 of the TNHR&CE Act, 1959. Considering the same, the impugned order shall be kept in abeyance for a period of forty five (45) days from today.

8. Though the petitioner has wrongly knocked the door of this Court on the eleventh hour at the time when the impugned order was ought to be enforced by the respondents, Court is inclined to give a liberty to file a revision before the Commissioner together with Stay Petition within a period of thirty (30) days from today.

9. In case such an appeal is filed before the Commissioner along with the



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Stay Petition, the petitioner may endeavour to obtain interlocutory order from the Commissioner within a period of 45 days from today. In case the petitioner fails to secure any favourable order from the Commissioner, the respondents are at liberty to proceed against the petitioner.

10. With the above liberty, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes / No
apd

18.07.2025

To

1. The Director,
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Chennai.

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3. The Assistant Commissioner,
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C.SARAVANAN, J.

apd

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