



WEB COPY

W.P.Nos.2413, 1416 & 41488/2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2026

CORAM :

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

**W.P.Nos.2413, 1416 & 41488 of 2025
and
W.M.P.Nos.2720 & 1654 of 2025**

W.P.No.2413 of 2025

A.Vamanan,
President,
M/s. Bhaktavatsalam Educational Trust,
Having registered office at
"SARAYU" , 24, Alagesan Road,
Vedachalam Nagar,
Chengalpet – 603 001.

... Petitioner

Vs.

1. District Collector,
Kancheepuram,
Collectorate, Kancheepuram,
Kancheepuram – 631 502
2. Sub-Collector, Kancheepuram,
Collectorate Kancheepuram,
Kancheepuram – 631 502.
3. District Revenue Officer, Kancheepuram,
District Revenue Office,
Kancheepuram – 631 502.
4. Revenue Divisional Officer, Kancheepuram,
Revenue Divisional Office,
Kancheepuram – 631 502.



5. Tahsildar, Kancheepuram,
Taluk Office, Kancheepuram,
Kancheepuram – 631 502.

6. Revenue Inspector, Kancheepuram,
Taluk Office, Kancheepuram,
Kancheepuram – 631 502.

7. The Commissioner,
Kanchipuram City Municipal Corporation,
Kanchipuram.

(R7 impleaded as per order dt.7.1.2026
made in WMP.28471/2025 in
WP.2413/2025 by SMSM & CKJ)

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to
issue a Writ of Certiorari to call for records and quash the impugned notice
dated 24.12.2024 issued by the respondent No.6

For Petitioner : Mr.Srinath Srideven,
Senior Counsel
for Mr.S.Manuraj

For Respondents : Mr.P.S.Raman, Advocate General,
assisted by
Mr.RA.Gopinath, Standing Counsel
for R7
Mr.M.Suresh Kumar,
Addl.Advocate General
assisted by
Mr.D.Ravichander,
Spl.Govt.Pleader for R1 to R6

W.P.No.1416 of 2025

A.Vamanan,
President,
M/s. Bhaktavatsalam Educational Trust,
Having registered office at
“SARAYU” , 24, Alagesan Road,
Vedachalam Nagar,
Chengalpet – 603 001.

... Petitioner

2/17



Vs.

1. District Collector,
Kancheepuram,
Collectorate, Kancheepuram,
Kancheepuram – 631 502
2. Sub-Collector, Kancheepuram,
Collectorate Kancheepuram,
Kancheepuram – 631 502.
3. District Revenue Officer, Kancheepuram,
District Revenue Office,
Kancheepuram – 631 502.
4. Revenue Divisional Officer, Kancheepuram,
Revenue Divisional Office,
Kancheepuram – 631 502.
5. Tahsildar, Kancheepuram,
Taluk Office, Kancheepuram,
Kancheepuram – 631 502.
6. Revenue Inspector, Kancheepuram,
Taluk Office, Kancheepuram,
Kancheepuram – 631 502.
7. The Commissioner,
Kanchipuram City Municipal Corporation,
Kanchipuram.

(R7 impleaded as per order dt.7.1.2026
made in WMP.28475/2025 in
WP.1416/2025 by SMSM & CKJ)

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari filed Mandamus to call for records and quash the impugned order dated 10.12.2024 vide R.C.No.1168/2021/B1 passed by the respondent No.1 and direct the respondents to fix the land cost for the property at Survey Nos.350 & 354 as per the market value as on 3/17



26.12.1995.

For Petitioner

: Mr.Srinath Srideven,
Senior Counsel
for Mr.S.Manuraj

For Respondents

: Mr.P.S.Raman, Advocate General,
assisted by
Mr.RA.Gopinath, Standing Counsel
for R7
Mr.M.Suresh Kumar,
Addl.Advocate General
assisted by
Mr.D.Ravichander,
Spl.Govt.Pleader for R1 to R6

W.P.No.41488 of 2025

M/s. V.M.Constructions
represented by its Partner A.Murugan,
No.45,/4/1, Rasi Arunachala Street,
Nadupet,
Gudiyattam – 632 602

... Petitioner

Vs.

1. The district Collector,
Kancheepuram,
Kancheepuram District – 631 502.
2. The Commissioner,
Kancheepuram City Municipal Corporation,
kancheepuram District – 631 502.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the 2nd respondent to handover physical possession of the site comprised in Survey No.354/5 & 354/7 situated in Karaipettai Village, Kancheepuram District forthwith for construction of Class-A New Bus Stand at Kancheepuram City Municipal Corporation in



terms of Work Order issued in R.O.C.No.2810/2025/E1 dated 07.07.2025

by considering his representation dated 17.09.2025.

WEB COPY

For Petitioner : Mr.P.V.Balasubramanian
Senior Counsel
for Mr.S.Santosh

For Respondents : Mr.P.S.Raman, Advocate General,
assisted by
Mr.RA.Gopinath, Standing Counsel
for R2
Mr.M.Suresh Kumar,
Addl.Advocate General
assisted by
Mr.D.Ravichander,
Spl.Govt.Pleader for R1

COMMON ORDER

S.M.SUBRAMANIAM,J.

W.P.No.1416 of 2025 has been instituted challenging the proceedings of the District Collector, Kancheepuram, dated 10.12.2024. W.P.No.2413 of 2025 is filed challenging the notice dated 24.12.2024 issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905.

2. Notice under Section 7 of the Tamil Nadu Land Encroachment Act was issued in pursuance to the proceedings of the District Collector, Kancheepuram dated 10.12.2024.

3. The facts in brief are that the petitioner Trust namely M/s. Bhaktavachalam Educational Trust submitted an application to the

5/17



Government to acquire lands for establishing Polytechnic College to an extent of 73.43 acres in the year 1961. Acting on the representation submitted by the petitioner Trust, the Government issued notification for acquisition of 73.47 acres of land to be handed over to the petitioner Trust. However, an exemption notification was issued to exclude 19.3 acres in S.No.350/5, 354/4 & 5 and to be deleted from the acquisition proceedings in the year 1986. Accordingly, Gazette notification was made exempting 19.3 acres of lands from the Land Acquisition proceedings and the said Government poramboke lands are classified as "Thoppu Poramboke". The balance acquired land to an extent of 54.13 acres was handed over to the petitioner Trust and they have established a Polytechnic College in a small portion of the land and running the Institution.

4. The authorities, during investigation, found that a portion of the Government land classified as "Thoppu Poramboke" was encroached upon by the petitioner Trust and a notice was issued by the Revenue Divisional Officer, Kancheepuram, in proceedings dated 22.11.1993. The said notice would show that exemption notification issued in respect of 19.3 acres of land and the said land vests with the Government absolutely. The petitioner Trust was requested to explain as to why action should not be taken for eviction in respect of illegal possession in S.No.354/4 & 5 invoking the provisions of relevant Act.



WEB COPY

5. The said eviction notice came to be challenged in W.P.No.6860/1994 by the petitioner Trust. The Trust made a request for transfer of land measuring 19.34 acres in W.P.No.9866/1998. The High Court directed the authorities to consider the request of the petitioner. The District Collector issued an order rejecting the request of the Trust. In respect of W.P.Nos.6860/1994, 9703/1997 and 3556/1999, a common order has been passed in all the writ petitions by the learned single Judge of this Court on 26.07.2022, stating that the petitioner Trust will take over an extent of 19.3 acres of "Thoppu Poramboke" on payment of land cost to be fixed on the basis of market value as on 26.12.1995. The Trust preferred W.A.Nos.474 to 476/2004 challenging the order passed by the learned single Judge in the writ petitions. The Division Bench of this Court dismissed the Writ Appeal on 11.04.2011 as under:

These writ appeals are filed against the order dated 26.7.2002 passed by the learned Single Judge of this Court in W.P.Nos.6860 of 1994, 9703 of 1997 and 3556 of 1999.

2. The order challenged in these writ appeals was passed on 26.7.2002 and the appeal papers were presented on 14.1.2003. When the above writ appeals were posted for admission on 30.3.2004, adjournment was sought for. From that date to till this date, neither the counsel nor the appellant has taken any steps to prosecute the matter or shown any interest to argue the case for admitting the writ appeals or obtaining interim stay of the order passed by the learned



WEB COPY

Single Judge at this belated point of time. Hence, the writ appeals are dismissed. Consequently, the connected W.A.M.Ps. are also dismissed. However, there shall be no order as to costs.

6. Admittedly, the petitioner Trust has not agreed to pay the land cost as demanded by the Government. That apart, Writ Appeals filed against the writ orders were also not pursued and the Division Bench dismissed the Writ Appeals on the ground of non-prosecution.

7. During the pendency of the Writ Appeals before the Division Bench, the petitioner Trust sent a representation to the District Collector, Kancheepuram on 31.08.2009. In the said representation, the petitioner has explicitly stated that *“The Trust does not have the where withal to pay for 19.34 acres of land as per the market rate prevailing in 1995”*. Holistic reading of the order passed by the learned single Judge and the order of the Division Bench in the writ appeals would show that the petitioner has not paid the land cost as on 1995 for taking over possession in respect of the Government land classified as “Thoppu Poramboke” to an extent of 19.34 acres. The writ appeals filed by them were also dismissed for non-prosecution. Beyond the Court’s order, the petitioner Trust sent a representation that they were not in a position to pay the land cost as on 1995 for taking possession of the Government land to an extent of 19.34



acres.

8. Above facts would show that the land to an extent of 19.34 acres was exempted from Land Acquisition proceedings and absolutely vests with the Government and classified as “Thoppu Poramboke” in revenue records. Therefore, any person entering into the said Government land is an encroacher. Thus, eviction proceedings are to be initiated under the relevant provisions of the Tamil Nadu Land Encroachment Act, 1905.

9. Learned Senior Counsel Mr.Srinath Sridevan, appearing on behalf of the petitioner would mainly contend that the District Collector has not afforded an opportunity to defend their case and passed a final order dated 10.12.2024, which is impugned in W.P.No.1416/2025. As per the writ order of the year 2002, the petitioner was provided an opportunity to pay the land cost to take possession of the Government land to an extent of 19.34 acres. Therefore, the Collector ought to have heard the petitioner before passing final order, cancelling the patta and for initiation of eviction proceedings in respect of the land measuring 19.34 acres.

10. The learned Advocate General would oppose by stating that the land measuring 19.34 acres absolutely vests with the Government. It was exempted from land acquisition proceedings. 54 acres of land was handed



over to the Trust and out of which, they have utilized only 2 and odd acres for construction of building and running Polytechnic College. Even as on today, the land measuring about 51 acres is vacant, unutilised by the Trust for educational purpose. In this regard, separate proceedings under Section 16B of the Land Acquisition Act 1894 was initiated and a writ petition filed by the writ petitioner in W.P.No.36398 of 2023 is pending. Therefore, in respect of eviction proceedings against the encroacher, notice has been issued under Section 7 of the Land Encroachment Act.

11. Learned Advocate General would contend that the Government has already taken policy decision to construct a Modern Integrated Bus Terminus, since the subject property is falling nearby Chennai City in Kancheepuram District. The subject land is situated in Chennai-Bangalore Express Highways and to be utilized for construction of bus terminus. On account of an interim order in the present writ petition, the project is unable to be implemented. Already tender was flouted and the petitioner in W.P.No.41488/2025 viz., V.M. Constructions is the successful bidder awaiting for handing over of land for commencement of construction activities to develop Integrated Bus Terminus in the subject property.

12. Mr.Balasubramanaim, the learned senior counsel appearing on behalf of the petitioner in W.P.No.41488 of 2025 would submit that he is the



successful bidder and the work order has already been issued. He is waiting for handing over of the land for commencement of construction activities. Since the land vests with the Government and eviction proceedings have already been initiated and possession has already been taken, except a small portion wherein the petitioner Trust constructed a building, the construction Company may be permitted to proceed with the construction activities.

13. This Court has considered the rival submissions made by the parties to the lis on hand.

14. Uncontroverted facts would show that the petitioner Trust submitted an application for allotment of 73.47 areas of land for establishing a Polytechnic College by way of acquisition. The Government, though proposed to acquire 73.47 acres, subsequently, cancelled acquisition proceedings to an extent of 19.34 acres. Therefore, 54 and odd acres of land was handed over to the petitioner Trust for establishing Polytechnic College. Out of 54 and odd acres, the petitioner has developed Polytechnic College in 2 and odd acres and the balance 51 acres of land remain vacant.

15. As far as 19.34 acres of land is concerned, it absolutely vests with the Government since notification was issued cancelling Land



Acquisition proceedings and the said portion of land is classified as “Thoppu Poramboke”. Therefore, any person in occupation of the said land measuring 19.34 acres is to be construed as an encroacher.

16. Regarding the ground raised by the petitioner in W.P.No.1416/2025 that no notice was issued by the District Collector, the said proceedings would show that the District Collector has considered the representation submitted by the writ petitioner based on the orders of the learned single Judge in W.P.No.6860/1994 etc. dated 26.07.2022 and the order of the Division Bench dated 11.04.2011 in W.A.Nos.474 to 476/2004. As far as encroachments are concerned, the proceedings of the Collector, disposing of the representation, is only for the purpose of deciding certain factors and to issue suitable directions/ instructions to the competent authorities for initiation of eviction proceedings. The right of the petitioner, was determined long before and notice issued in the year 1993 clearly indicates that 19.34 acres absolutely vests with the Government. Therefore, issuance of notice in subsequent proceedings by the District Collector may not be necessary. What is required is an opportunity while initiating eviction proceedings under the provisions of Land Encroachment Act. The order of the District Collector dated 10.12.2024 is not a statutory order passed under the Land Encroachment Act.



17. As far as the Collector proceedings dated 10.12.2024 in W.P.No.1416/2025 is concerned, it was all about considering the representation sent by the petitioner and an instruction was issued for cancellation of patta irregularly issued and to initiate eviction proceedings against the encroachers under the Land Encroachment Act through the competent authority. Therefore, non-issuance of notice in the said proceedings of the Collector has not caused prejudice to the right of the petitioner since the right of the petitioner has already been determined and petitioner was held as an encroacher in respect of the portion of land measuring 19.34 acres absolutely vests with the Government and notice was issued to the petitioner in the year 1993. The petitioner has moved a writ petition and the Court passed an order to pay the land cost as on 1995 to take possession of the land measuring 19.34 acres and the petitioner failed to comply with the direction. Therefore, he cannot plead that no opportunity was given by the District Collector, in this regard. That apart, the Writ Appeal was filed in 2004 and till 2011, the petitioner Trust has not pursued the writ appeal and finally, the Division Bench dismissed the Writ Appeal for non-prosecution.

18. The petitioner suddenly cannot turn around and say that no opportunity was given to the petitioner while passing orders by the District Collector on 10.12.2024. However, subsequent to the order dated



10.12.2024 issued by the District Collector, Kancheepuram, eviction proceedings have been initiated by the competent authority under the provisions of Land Encroachment Act, 1905 and Section 7 notice was issued by the Tahsildar in proceedings dated 24.12.2024 and the said notice is under challenge in W.P.No.2413 of 2025.

19. No writ against show cause notice under Section 7 of the Land Encroachment Act is entertainable. The petitioner is at liberty to file his explanation along with the documents, if any. A final notice is to be issued under Section 6 of the Act and thereafter, the competent authority is empowered to complete the enforcement actions by evicting the encroachers from the Government land. Collector's proceedings dated 10.12.2024 was passed based on the writ order passed in the year 2002 by the learned single Judge and the order of the Division Bench of this Court passed in the year 2011. It is a proceedings issued disposing of the representation of the petitioner and to initiate eviction proceedings. On initiation of eviction proceedings, notice under Section 7 is issued.

20. For all these reasons, the writ petitioner has not established any semblance of legal right and the petitioner being an encroacher, there is impediment for the authorities to conclude the enforcement actions and evict the petitioner and utilise the land for construction of Integrated Modern



Bus Terminus for the benefit of the public at large and the said exercise is directed to be completed as expeditiously as possible.

WEB COPY

21. It is made clear that encroachments are identified only in respect of the portion of the land where the construction is made by the petitioner and in respect of the balance extent of vacant land, no encroachments are identified and the Government has already taken possession of the said land. In respect of the land which had already been taken possession, the said portion shall be handed over to the petitioner in W.P.No.41488/2025 viz., V.M.Constructions to enable them to commence construction activities. The public projects cannot be delayed and any delay would result in escalation of costs and financial loss to the State Exchequer. Therefore, W.P.Nos.2413 and 1416 of 2025 are dismissed and W.P.No.41488/2025 is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S.,J.) (C.K.,J.)
07.01.2026
(2/2)

vsi
Index:Yes/No
Speaking/Non-speaking order
Neutral citation

To
15/17



1. District Collector,
Kancheepuram,
Collectorate, Kancheepuram,
Kancheepuram – 631 502
2. Sub-Collector, Kancheepuram,
Collectorate Kancheepuram,
Kancheepuram – 631 502.
3. District Revenue Officer, Kancheepuram,
District Revenue Office,
Kancheepuram – 631 502.
4. Revenue Divisional Officer, Kancheepuram,
Revenue Divisional Office, Kancheepuram – 631 502.
5. Tahsildar, Kancheepuram,
Taluk Office, Kancheepuram,
Kancheepuram – 631 502.
6. Revenue Inspector, Kancheepuram,
Taluk Office, Kancheepuram,
Kancheepuram – 631 502.
7. The Commissioner,
Kanchipuram City Municipal Corporation,
Kanchipuram.



WEB COPY



**S.M.SUBRAMANIAM,J.
and
C.KUMARAPPAN,J.**

Vsi

W.P.Nos.2413, 1416 & 41488 of 2025
and
W.M.P.Nos.2720 & 1654 of 2025

07.01.2026

(2/2)