2026:MHC:4418

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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-10-2026

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE R.RAJESH VIVEKANANTHAN

WP.No.2942 of 2023
CNR:{HCMA010173542023}

M.Parthiban

..Petitioner

Vs

1. The District Collector,
   Thiruvallur District,
   Thiruvallur.

2. The District Revenue Officer,
   Thiruvallur District,
   Thiruvallur.

3. The Thasildar,
   Uthukottai Taluk,
   Thiruvallur District.

4. The Block Development Officer,
   Periyapalayam Panchayat Union,
   Periyapalayam, Thiruvallur District.

5. The President,
   Periyapalayam Panchayat, Periyapalayam,
   Thiruvallur District.

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6. K.Purushottaman

7. V.Ravichandran

8. Devika Ammal

9. Ambika

10. Kalaiselvi

11. E.Balu Pandithar

12. K.Dilli Babu

13. Mammath

14. Suresh Kumar

15. P.Dhanasekaran

16. Arunagiri

17. K.N.Chandraprakash

18. Vijiyan

19. K.Srinivasan

20. Aasira Begum

..Respondents

(R4 to R20 impleaded as per order dated 27.10.2026 made in WMP.Nos.4134/2023, 15981/2025 and 48442/2026)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 23.12.2022 by removing the

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enchroachment upon the public Bus Stand measuring about 78 cents situated at No.66, Periyapalayam Village, Uthukottai Taluk Thiruvallur District and restore the bus stand for the benefit of general public.

For Petitioner: Mr.A.Ramesh
for Mr.R.Sankarasubbu

For Respondents: Ms.R.K.Varshini
Government Advocate for R1 to R3
Mr.Samir S.Shah
for Mr.John Josh for R6 to R14
Mr.Dilip Kumar for R15 to R20

ORDER

(Order of the Court was made by S.M.Subramaniam, J.)

Writ of Mandamus has been instituted to direct the respondents to consider the representation of the petitioner dated 23.12.2022 for removing the encroachment upon the public bus stand measuring 78 cents situated at No.66, Periyapalayam Village, Uthukottai Taluk, Tiruvallur District and restore the bus stand for the benefit of the general public.

2.The petitioner would submit that in Tiruvallur District, Uthukottai Taluk, No.66 at Periyapalayam Village bearing S.No.206/1A measuring

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an extent of 38 cents and S.No.206/4A measuring an extent of 40 cents, totally 78 cents of land was owned by the grandfather of the petitioner one Mr.Kannappa Mudaliar, son of Balakrishnan Mudaliar. The said Kannappa Mudaliar gifted the subject land to Periyapalayam Panchayat by way of registered gift deed in Document No.189 of 1957 dated 19.02.1957 on the file of the Sub-Registrar, Arani. The gift deed was executed for the purpose of using the land as bus stand for the benefit of the general public. Patta has been issued in Patta No.206 in the name of Periyapalayam Panchayat.

3.Few persons have encroached upon the gifted land and put up some structures. Thus the petitioner submitted a representation for removal of encroachment and utilise the land for the benefit of the public at large. Since no action has been taken, the present writ petition came to be instituted.

4.The learned counsel appearing on behalf of the private respondents would submit that they are the bonafide purchasers of the land and they possess sale deeds to establish their purchase. However,

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the learned counsel for the petitioner would reiterate that the land was gifted by the grandfather of the petitioner through a gift deed, therefore subsequent alienation of the property is null and void and cannot be executed.

5.The Tahsildar, Uthukottai Taluk initiated enforcement action by issuing a notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905. Subsequently, the said action was dropped. On noticing the same, this Court passed an order asking the Tahsildar to explain the reasons for dropping of enforcement action initiated under the Tamil Nadu Land Encroachment Act. Thus, a fresh affidavit was filed by the Tahsildar stating that enforcement action initiated under the Tamil Nadu Land Encroachment Act was dropped on the wrong presumption that the subject lands are patta lands. The Tahsildar further states that an extent of 78 cents comprising in S.Nos.206/1A and 206/4A in Periyapalayam Village had been gifted by one Mr.Kannappa Mudaliar to the Village Panchayat for bus stand as per registered Document No.189 of 1957, however his son Mr.K.Natarajan executed sale deed in favour of private respondents.

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6.Once the land is gifted in favour of Village Panchayat for public usage and for the benefit of the public at large, further alienation done by the donor cannot be sustained and those documents are null and void. In pursuance to the gift deed, the land vests with the Village Panchayat and patta also has been issued in favour of the Village Panchayat, therefore the Tahsildar ought not to have dropped all further actions. In this regard, the learned Government Advocate would submit that the Tahsildar had committed a mistake based on presumptions and therefore, the authorities will initiate all further actions. The Tahsildar in the affidavit has stated that the proceedings were inadvertently dropped vide proceedings in R.C.No.1562/2024/B1 dated 29.01.2026 and they are ready and willing to rectify the said error and take appropriate action in accordance with law by following due procedures contemplated under the Tamil Nadu Land Encroachment Act.

7.In view of the sworn affidavit filed by the Tahsildar, Uthukottai, this Court is inclined to direct the official respondents to initiate enforcement action afresh and issue show cause notice to the

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encroachers. The contesting respondents as well as the encroachers who received notice are at liberty to submit their explanations along with the documents, if any, to defend their case. On receipt of any such representation/explanation, the competent authority shall consider the same and thereafter, proceed with all enforcement actions by following the procedures as contemplated under the Tamil Nadu Land Encroachment Act. The entire exercise is directed to be completed within a period of twelve weeks from the date of receipt of a copy of this order.

8.With these directions, the Writ Petition stands disposed of. No costs.

(S.M.S.,J.) (R.R.V.,J.)
30-10-2026

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

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   Thiruvallur District, Thiruvallur.

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