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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-02-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

WP No. 6297 of 2026

Rajamani

..Petitioner(s)

Vs

1. The Government Of Tamil Nadu
(Municipal Administration and Water
Supply Department)
Represented by
Special Commissioner and Secretary to
Government
Fort St. George, Chennai 600009.
2. District collector
Thiruvalur District.
3. Executive Engineer
Chennai Metro Water Supply and Sewerage
Board
No.1 Pumping Station Road
Chindatripet, Chennai 600002.
4. The Tahsildar
Poonamallee Taluk
Poonamallee.
5. Special Tahsildar Land Acquisition
Metro Water Supply Schemes(Poonamallee)
No.1 Pumping Station Road
Chindatripet, Chennai 600002.

..Respondent(s)



Writ Petition filed under Article 226 of the Constitution of India issuing writ of mandamus declaring the impugned notice issued under Sec.6 of the Tamil Nadu Encroachment Act, 1905 III dated 03.02.2026 affixed in the petitioners' agricultural shed on 05.02.2026 by the 3rd respondent pending review in Review application No.215/2023 as illegal, invalid and ab initio void as it violates the principles of natural justice and thus render justice.

For Petitioner(s): Mr.S.Parthasarathy,
Senior Counsel For Ms.C.R.Rukmani

For Respondent(s): MR.D.Ravichander,
Special Government Pleader for 1,2,4& 5.

ORDER

(Order of the Court was made by C.Kumarappan J.)

The present writ petition has been filed challenging the impugned notice dated 03.02.2026 issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 (hereinafter referred to as the 'Act').

2. It is the specific submission of the learned Senior Counsel appearing for the petitioner that no prior notice under Section 7 of the Act was issued. It is also further submitted that authorities who issued the notice is incompetent to initiate action under the Act.



3. Per contra, learned Special Government Pleader would submit that already acquisition had taken place and writ proceeding in WA.No.185 of 2019, questioning acquisition was dismissed.

4. At this juncture, the learned Senior Counsel appearing for the petitioner would submit that against the order of writ appeal, a review application is pending before the Court.

5. We have given our anxious consideration to either side of the parties.

6. Now the main contention put forth by the learned Senior Counsel appearing for the petitioner is that no Section 7 notice was issued. While looking at the impugned notice dated 03.02.2026, we could find that the notice was issued by the Executive Engineer under the Act.

7. While looking at Section 7, it mandates that *“Before taking proceedings [section 6] the Collector [or the Tahsildar or Deputy Tahsildar or Revenue Inspector or any Authorized Officer or] [any other officer specified by the State Government in this behalf (not being an Authorised Officer) (hereinafter referred to as the ‘specified officer’)] as the case may be] shall*



cause to be served on the person reputed to be in unauthorised occupation of land being...”

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8. At this juncture, learned Special Government Pleader is unable to establish that whether the Executive Engineer is an authorised officer or not. However, being a responsible officer of the Department, he is entitled to inform such an encroachment to the authority. If in any case, the Executive Engineer is an authorised officer under Section 7 of the Act, then the impugned notice issued under Section 6 shall be treated as a show cause notice under Section 7, and the petitioner may be provided with an opportunity to submit his explanations along with the documents, if any, and on receipt of such explanation, the same is to be considered by the authorised officer and thereafter, proceed with further action by issuing final notice under Section 6 of the Act.

9. Likewise, If the Executive Engineer is not an authorised officer under Section 7 of the Act, then he is bound to submit a report regarding encroachment to the jurisdictional Tahsildar, who intturn is empowered to initiate enforcement action by invoking the provisions under the Act. In the event of receiving any such report from the Executive Engineer, the jurisdictional Tahsildar is directed to proceed against the encroachers for removal of encroachments and restore the Government property.



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10. Granting such liberty, the writ petition is disposed of. No costs.

Consequently, the connected miscellaneous petitions, if any, are closed.

(S.M.S.,J.) (C.K.,J.)
18-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

GD

To

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

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