



W.P.No.8540 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

W.P.No.8540 of 2026

and

W.M.P.No.9232 of 2026

Arumugapandi
S/o.Ganapathy

... Petitioner

VS.

1. The District Collector
Chennai District.

2. The Thasildar
Sholinganallur Taluk
Chennai District.

3. The Directorate of Technical Education
Sardarpatel Road, Guindy
Chennai-600 025.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, forbearing the respondents from proceeding under the Land Encroachment Act, 1905, against the property of the petitioner situate at No.18E, Thiruvalluvar Nagar, M.G.R.Salai, Perungudi,

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Chennai-600 096, contrary to the order of this Hon'ble Court dated 24.11.2008 made in W.P.Nos.27627 and 32246 of 2007.

For Petitioner : Mr.S.Shanmugasundaram
For Respondents : Mr.T.Arun Kumar
Additional Government Pleader

ORDER

[Made by **S.M.SUBRAMANIAM, J.,**]

The writ of mandamus has been instituted to forbear the respondents from proceeding under the Land Encroachment Act, 1905, against the property of the petitioner situated at No.18E, Thiruvalluvar Nagar, M.G.R.Salai, Perungudi, Chennai-600 096, contrary to the order of this Court dated 24.11.2008 made in W.P.Nos.27627 and 32246 of 2007.

2. Mr.S.Shanmugasundaram, learned counsel for the petitioner, would mainly contend that a Hon'ble Division Bench of this Court passed an order on 24.11.2008 in W.P.Nos.27627 and 32246 of 2007, wherein there is an observation based on the submission made by the then learned Special Government Pleader in paragraph No.4 of the order. On the strength of the said order, the petitioner is in occupation and therefore, the respondents have no authority to invoke provisions of 'the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter '1905 Act'}



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for the sake of brevity}.

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3. Mr.T.Arun Kumar, learned Special Government Pleader, would oppose the same by stating that the said order relied on by the petitioner is of no avail since the survey number differs. The Hon'ble Division Bench, in its order dated 24.11.2008 in paragraph No.3, has clearly mentioned the survey numbers 234, 235, 236 and 237 of Perungudi Village, wherein encroachers were residing for more than 15 years. However, in the present case, Section 7 notice came to be issued under the 1905 Act on 26.11.2025 to the petitioner, wherein the petitioner is stated to be an encroacher in Survey No.35 of Perungudi Village and that he has constructed a shop and hostel in the Government Poromboke Land.

4. This Court is of the considered view that once a Section 7 show cause notice has been issued to an encroacher, he is at liberty to submit his explanation. In the present case, the learned counsel for the petitioner would submit that an explanation along with documents has already been filed. If so, the authorities have to consider the same and take a final decision and issue notice under Section 6 of the 1905 Act.



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5. An aggrieved person under Section 6 of 1905 Act may prefer an appeal under Section 10 of the 1905 Act. This being the scheme contemplated under the 1905 Act, the present writ petition filed seeking the relief of injunction is not only premature but also not maintainable.

6. Accordingly, the Writ Petition stands dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

(S.M.S.,J.) (K.S.,J.)
09-03-2026

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

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To

1. The District Collector
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**S. M. SUBRAMANIAM, J.,
and
K. SURENDER, J.,**

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