



WEB COPY

WP No. 14467 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 19-01-2026**

CORAM

**THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE**

**WP No. 14467 of 2025**

**AND**

**WMP NO. 16349 OF 2025**

1. Gajendiran

Petitioner(s)

Vs

1. Union Of India Represented By The  
Secretary To Government Revenue  
Chief Secretariat, Puducherry 605  
001.

2. Sub Divisional Magistrate Cum  
Deputy Collector Revenue  
Revenue Complex Duplex Street,  
Karaikal

3. Sumathi

Respondent(s)

**PRAYER**

Call for records pertaining to notice NO. 1187/DC (R) B3 SPL CELL /FRENCH NATIONAL /2025/519 DATED 20.02.2025 issued by the 2nd respondent at the instance of the 3rd respondent quash the same and pass.

For Petitioner(s): Mr. Akshayaa Benjamin

For Respondent(s): Mr. V. Vasantha Kumar, agp  
(pondy) For R1 And R2

Mr. C. Prakasam For R3



## **ORDER**

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This writ petition has been filed, challenging the impugned notice dated 20.02.2025 issued by the second respondent.

2. Under the impugned notice, the petitioner has been called upon to attend the enquiry on 28.02.2025 on the petition submitted by the third respondent. According to the third respondent, the petitioner is an encroacher. The petitioner disputes the same, as seen from the averments contained in the affidavit filed in support of this writ petition. Even before final orders are passed on the third respondent's representation by the second respondent, the petitioner has filed this writ petition prematurely. If at all the petitioner is having any objection with regard to the third respondent's representation, he will have to state all those objections before the second respondent to enable the second respondent to decide the third respondent's representation on merits and in accordance with law.

3. It is also brought to the notice of this Court by the learned Additional Government Pleader appearing for R1 and R2 that the petitioner had earlier participated in the proceedings commenced by the second respondent pursuant to the representation given by the third respondent.



4. Necessarily, the petitioner will have to participate in the proceedings commenced by the second respondent. Instead of participating in the same, the petitioner cannot challenge the impugned notice issued by the second respondent by filing this writ petition. Both the petitioner as well as the third respondent will have to raise all objections / contentions only before the second respondent. The petitioner has categorically contended before this Court that since a Civil Suit is pending, the second respondent is not empowered to decide the representation given by the third respondent. However, the same is disputed by the third respondent as seen from the submissions made by the learned counsel for the third respondent.

5. This Court is not expressing any opinion on the merits of the third respondent's representation.

6. Only due to the fact that the petitioner has approached this Court prematurely without waiting for the final decision of the second respondent, this Court is disposing of the writ petition by directing the petitioner to raise all objections, which includes the objections that have been raised in this writ petition before the second respondent to enable the second respondent to take a final decision.



7. For the foregoing reasons, this writ petition is disposed of by granting liberty to the petitioner to raise all objections, which includes the objections that have been raised in this writ petition before the second respondent and the second respondent is directed to dispose of the representation of the third respondent, seeking for removal of the encroachment alleged to have been made by the petitioner after giving due consideration to the objections raised by the petitioner as well as the contentions of the third respondent within a period of ten weeks from the date of receipt of a copy of this order. No Costs. Consequently, connected miscellaneous petition is closed.

**19-01-2026**

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



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To

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**ABDUL QUDDHOSE J.**

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