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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-02-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

WP No. 18891 of 2025

and

W.M.P.Nos 21164 & 21165 of 2025

& W.M.P.No.7003 of 2026

and

W.P.No.1245 of 2026

and

W.M.P.Nos.1440, 1443 & 1444 of 2026

& W.M.P.No.7006 of 2026

W.P.No.18891 of 2025

1. K. Jagadeeswaran
S/o. Late Krishnan, No.9/70, Agaramthen Main
Road, Agaramthen, Chennai-126.
2. J. Haripriya
S/o. K. Jagadeeswaran, No.9/70, Agaramthen
Main Road, Agaramthen, Chennai-126.

..Petitioner(s)

Vs

1. The Additional Chief Secretary
Revenue And Disaster Management
Department, Secretariat, Chennai.
2. The Commissioner Of Land Reforms
Chepauk, Chennai-5.
3. The District Collector
Chengalpattu District.
4. The District Revenue Officer



Chengalpattu District.

5. The Revenue Divisional Officer
Chengalpattu District.

6. The Tahsildar
Tambaram Taluk., Chengalpattu District.

7. B.Santhanam
(R7 impleaded as per order made
in WMP.No.37256/2025 by SMSJ & CKJ
vide order dt.17.02.2026)

..Respondent(s)

Prayer in W.P.18891 of 2025

To call for the records pertaining to the impugned order passed by the 1st respondent in G.O. (ms) No.215 dated 02.05.2025 to quash the same as illegal, arbitrary and consequently direct the 4th respondent i.e. District Revenue Officer to reclassify the land in S.Nos. 205/8A measuring to an extent of 0.22 cents and 206/1 measuring to an extent of 0.12 1/2 cents from Government Tharisu to Private Lands by issuing Patta in Petitioners name by correcting the Land Classification defect in UDR Scheme as per the revised Final statement dated 07.11.1978 under section 14 of the Act and G.O. (ms).112 dated 07.05.1980 under section 18(1) of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 and further direct the respondents particularly 3rd to 6th respondent not to take only coercive actions against the petitioners property in Land Survey Nos.205/8A to an extent of 22 cents and 206/1 to an extent of 12 1/2 cents.

For Petitioner(s): Mr.B.Vijay
for Mr.G. Mohammed Aseef

For Respondent(s): Mr.R.Ramanlaal, AAG
assisted By Mr. T. Arun Kumar AGP
for R1 To 6.
Mr.M.Elumalai for R7.



W.P.No.1245 of 2026

R.Regina,W/o Rajendiran

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..Petitioner(s)

Vs

1. The Additional Chief Secretary
Revenue And Disaster Management
Department, Secretariat, Chennai.
- 2.The Commissioner Of Land Reforms
Chepauk, Chennai-5.
- 3.The District Collector
Chengalpattu District.
- 4.The District Revenue Officer
Chengalpattu District.
- 5.The Revenue Divisional Officer
Chengalpattu District.
- 6.The Tahsildar
Tambaram Taluk., Chengalpattu District.
7. B.Santhanam
(R7 impleaded as per order made
in WMP.No.6060/2026 by SMSJ & CKJ
vide order dt.17.02.2026)

..Respondent(s)

Prayer in W.P.1245 of 2026

To call for the records pertaining to the impugned order passed by the 1st respondent in G.O. (ms) No.223 dated 05.05.2025 to quash the same as illegal, arbitrary and consequently direct the 4th respondent i.e. District Revenue Officer to reclassify the land in S.Nos. 206/1 measuring to an extent of 0.12 ½ cents from Government Tharisu to Private Lands by issuing Patta in Petitioner's name by correcting the Land Classification defect in UDR Scheme as per the revised Final statement dated 07.11.1978 under section 14 of the



Act and G.O.(ms).112 dated 07.05.1980 under section 18(1) of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 and further direct the respondents particularly 3rd to 6th respondent not to take only coercive actions against the petitioners property in Land Survey Nos.206/1 to an extent of 0.12 ½ cents.

For Petitioner(s): Mr.B.Vijay
for Mr.G. Mohammed Aseef

For Respondent(s): Mr.R.Ramanlaal, AAG
assisted By Mr. T. Arun Kumar AGP
for R1 To 6.
Mr.M.Elumalai for R7.

ORDER

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

The present writ petitions have been instituted challenging the eviction proceedings instituted by the authority of the Government under the Tamilnadu Land Encroachment Act, 1905. Litigations are instituted at various stages and the present litigations are re-litigations and the issues were earlier considered by this Court.

2. Initially, one Mr.B.Santhanam, filed W.P.No.4268 of 2024 and the Division Bench of this Court passed an order on 22.02.2024 as follows:

2. Learned Special Government Pleader submits that survey would be conducted preferably within a period of three months from today and upon survey, if any encroachment is found, action would be taken to remove the encroachment expeditiously.

3. In view of the said statement, no orders are necessary



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in the present writ petition. The writ petition, accordingly, stands disposed of. There shall be no order as to costs. Consequently, W.M.P.No.4575 of 2024 is closed.

3. Pursuant to the directions issued by this Court, enforcement actions commenced by following the procedures as contemplated under the Land Encroachment Act. The encroachers preferred writ petitions subsequently at various stages. Contempt petition came to be instituted in C.P.No.3193 of 2024. The Division Bench of this Court recorded the submission of the learned Special Government Pleader that “encroachments will be removed within four weeks from today. If encroachments are not removed within four weeks, the respondents 2 and 4 shall be present in the Court”.

4. Subsequent writ petition filed by one Haripriya in W.P.No.1726 of 2025 was also dismissed by the Division Bench of this Court on 23.01.2025. One Mr.Jagadeeshwaran filed W.P.No.1989 of 2025 challenging the eviction proceedings and another Division Bench of this Court passed an order on 24.01.2025, disposing of the writ petition as withdrawn. Sub-Application No.246 of 2025 in C.P.No.3193 of 2024 was filed and the Division Bench again recorded that the petitioners in the Sub-Application may take appropriate legal proceedings before appropriate forum as he may be advised.



5. Perusal of the Government Order would show that the subject lands are classified as “Government Poromboke Tharisu”. As per the revenue records, the subject lands stand in the name of the Government. The Government claims absolute ownership in respect of the lands.

6. Learned counsel appearing on behalf of the original complainant Mr.Santhanam would submit that the Government lands are squatted upon by creating forged documents and revenue records are tampered with the collusion of Government officials. He would plead large scale allegations against the Government authorities and contend that the main encroachers belong to powerful political party. Therefore, the authorities are not completing the eviction proceedings, despite the order of this Court, right from the year 2024. Except two encroachments, all other encroachers who have encroached upon small extent of lands were evicted by the revenue authorities. These two encroachers who belong to political party alone are protected with the active collusion of the Government authorities and therefore, the present writ petitions are to be rejected.

7. Mr.Elumalai, the learned counsel for the original complainant Mr.Santhanam would further submit that there are numerous discrepancies in the documents and he is able to establish that all such documents are created or forged in order to squat upon the Government lands.



8. Mr.B.Vijay, learned counsel appearing for the petitioners would submit that the land was taken over as surplus lands by invoking the Land Reforms Act and subsequently, exempted. Even prior to the declaration made under the Land Reforms Act, the land vests with the petitioners.

9. The fact remains that none of the proceedings or notifications issued under the Land Reforms Act came to be challenged and the learned Additional Advocate General would submit that the procedure as contemplated under the Act were scrupulously followed and the proceedings were recorded by the District Collector in the orders, impugned.

10. Power of judicial review is to be limited to examine the process through which the decision has been taken by competent authorities and not the decision itself. In the present case, the procedures as contemplated are followed by the competent authorities under the Land Encroachment Act. Several writ petitions came to be instituted challenging the enforcement actions and all attempts failed and all encroachers except the petitioners herein were already evicted and the Government took over possession of the lands. Against the petitioners, serious allegations are raised by the original complainant, Mr.Santhanam.

11. Learned Additional Advocate General would submit that part of



unauthorised constructions in the encroached lands were already demolished.

During the process of demolition, an interim order was granted in the present writ petition. Subsequently, on 29.01.2026 also some more portions were removed. He would contend that part of the unauthorised buildings in the encroached land had already been removed and the Government land will be taken possession by completing the process as expeditiously as possible. He would further contend that purchase of the subject land by the writ petitioners is based on oral sale.

12. Since the petitioners claim ownership in respect of the subject property and several documents are stated to be created and forged as per the allegations set out by the original complainant, it is imminent to undertake a trial nature proceedings, which can be done only by the Civil Court in the manner known to law. The High Court cannot conduct a roving enquiry in a writ proceedings relating to title claim. In the event of entering into merits in such matters, it would result in taking undue advantage by some of the parties for claiming title or it would result in causing prejudice to the Government property which belongs to “we, the people”. Therefore, any finding on facts in such nature of cases may result in miscarriage of justice and the complex issues raised based on registered documents and the revenue records in connection with the title of the property deserves to be adjudicated by the competent Civil Court of law. Thus, the petitioners are at liberty to approach the Civil Court to establish their title, if any. In such event, the complainant is



also at liberty to contest the case, since he do possess certain documents by stating that several documents are forged documents.

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13. With the above observation, the Writ Petitions are dismissed. No costs. Consequently, W.M.P.Nos. 21164 & 21165 of 2025, W.M.P.Nos.1440, 1443 & 1444 of 2026 and W.M.P.Nos.7003 & 7006 are closed.

(S.M.S.,J.) (C.K.,J.)
17-02-2026

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

VSI

To

1. The Additional Chief Secretary
Revenue And Disaster Management Department,
Secretariat, Chennai.
2. The Commissioner Of Land Reforms
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**S.M.SUBRAMANIAM, J.
AND
C.KUMARAPPAN, J.**

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and
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17-02-2026