



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-03-2026

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THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

WP No. 20697 of 2022

S.Prakash

..Petitioner(s)

Vs

1. The Government of TamilNadu
Represented by its Principal Secretary, Revenue
and Disaster Management Department,
Secretariate, St. George Fort, Chennai – 09.
2. The Commissioner,
Commissionerate of Land Administration, 2nd
Floor, Ezhilagam, Chepauk, Chennai - 05.
3. The Commissioner,
Commissionerate of Survey and Settlement,
Survey House, Chepauk, Chennai - 05.
4. The District Collector,
Chennai District, Singaravelar Maaligai, Rajaji
Salai, Chennai - 01.
5. The Assistant Director of Survey,
Commissionerate of Survey and Settlement,
Survey House, Chepauk, Chennai - 05.
6. The Tahsildar,
Velachery Taluk, Seva Nagar 1st Street,
Velachery, Chennai - 42.
7. The Tahsildar,
Sholinganallur Taluk, No. 1, Rajiv Gandhi
Salai, 1st Cross Street, Sholinganalur,
Chennai - 119.



8. Indian Institute of Technology, Madras,
Represented by its director, Sardar Patel Road,
Chennai - 36.

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India issuing a writ of certiorarified mandamus, calling for the records in proceedings of the 4th Respondent 1905 vide Proc. Rc. No.J14(J6)/34811/2021, Dated 21.07.2022 and quash the same being violative of section 13 of the Tamil Nadu Survey and Boundaries Act, 1923 and consequently direct the 8th Respondent to identify the conclusive boundaries of the Petitioners land in S No. 317/1, Block no.189, T S No. 1/80 as identified and recorded u/s 13 of the Act VIII of 1923 in the year 1987 published in the Tamil Nadu Government Gazette on 30.12.1987 (page Nos 258-260)

For Petitioner(s): Mr.V.Prakash
Senior Counsel For Mrs.K.Jayasudha

For Respondent(s): Mr.T.Arunkumar
Additional Government Pleader for R1 to R7

ORDER

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

The enforcement action initiated by the revenue authorities under the provisions of the Tamil Nadu Land Encroachment Act, 1905 (hereinafter referred to as 'Act'), is the primary issue raised in the present writ petition.

2. A show-cause notice under Section 7 of the Act was issued to the petitioner by the revenue authorities, on the ground that petitioner has



encroached upon Government land classified as “Government poramboke”. The said notice came to be issued in respect of Survey No. 658/1A, Pallikaranai Village, Sholinganalur Taluk, Chennai District. Petitioner submitted his explanations on the ground that the plot purchased by him falls in Survey No. 317/1, Velachery Village, Chennai District. Petitioner raised the ground of misplaced identity in respect of the alleged encroachment made by the petitioner.

3. The authorities, based on the survey conducted and on the revenue records, formed a final opinion that there is an encroachment identified in Survey No. 658/1A, Pallikkarnai Village, Sholinganalur Taluk, and issued a final notice under Section 6 of the Act. Petitioner also preferred a statutory appeal under Section 10 of the Act. District Collector conducted an enquiry by affording opportunity to the parties. Petitioner submitted his written statement before the District Collector. The findings of the District Collector would show that petitioner said to have purchased two plots in Plot Nos. 121A and 121B, each measuring 1,200 square feet, a total of 2,400 square feet, by way of a sale deed dated 11.12.2015, vide Document No. 7835 of 2015. Whereas, upon joint inspection of Tahildars of Velacherry and Sholinganalur, along with the survey team and upon verification of land records, it was found that the 2,400 square feet of land in question is confirmed to be comprised within 85.41.00 hectares of land in 658/1A, Pallikkarnai Village, Sholinganalur Taluk, which is



classified as 'Government poramboke land'. On the said ground, the appeal was rejected. Thus, the present writ petition came to be instituted.

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4. Mr.V.Prakash, learned Senior Counsel appearing on behalf of the petitioner, would mainly contend that erroneous identification of encroachment resulted in initiation of enforcement action under the Act. The petitioner explained that his property is situated within the territorial jurisdiction of Velachery Village, but the authorities have arrived at an erroneous conclusion that the subject property is falling under the territorial jurisdiction of Pallikkarnai Village., Both the erstwhile hamlets are currently falling under the jurisdiction of Greater Chennai City Corporation.

5. It is a disputed fact raised between the parties. Even the writ relief sought for by the petitioner is to identify the conclusive boundaries of the petitioner's land in S No. 317/1, Block no.189, T S No. 1/80 as identified and recorded under Section 13 of the Survey and Boundaries Act.

6. Learned Senior Counsel would urge this Court by stating that the map produced by the petitioner would show that property is situated in Velachery Village. Petitioner obtained building plan permission after purchase of plot, constructed a building, and residing there. Thus, the enforcement action initiated is misconceived. Therefore, the writ petition is to be considered.



7. Learned Additional Government Pleader would oppose by stating that the subject land belongs to the Government. Government is empowered to protect the public lands, and demarcate boundaries as well as details regarding the survey number and Village and enter the same in the revenue records. Even as per the reliance placed on by the learned Senior Counsel appearing for the petitioner that the publication in the Tamil Nadu Gazettee was made under Section 5 of Survey and Boundaries Act. The said survey under Section 5 is restricted only in respect of Government lands under Chapter II of the said Act. Under the scheme of the Act, completion of demarcation of Government lands, if any person is aggrieved by raising a dispute, they have to institute a suit before the competent Civil Court. In the present case, the authorities conducted a survey before initiating enforcement action to evict the encroachers. Even during the pendency of the present writ petition, and in pursuance to the directions of this Court, a further survey was conducted through an advanced survey system, namely Differential Global Positioning System (DGPS). The Assistant Director of Survey and Land records submitted a report clearly demarcating the Government lands by identifying the encroachments made in Survey No. 658/1A of Pallikkarnai Village, Sholinganallur Taluk. Thus, there is no identity issue as per the Government records.

8. This Court is of the considered view that the stand taken by the



petitioner regarding the identity of the land is diametrically opposite to the stand taken by the Government in respect of the Government land, which is based on the survey conducted. The report of the District Collector of Chennai reveals that a second survey was conducted by the Assistant Director of Survey and Land Records, who in turn conducted a survey with the help of a DGPS instrument and submitted a report. The details about the survey conducted have been stated paragraphs 11, 12, 13, and 14 of the comprehensive status report filed by the District Collector, Chennai and reads as under:

“...11. I respectfully submit that in pursuance of the said order dated 19.11.2025, the District Revenue Officer in her letter J11/e-3893765/2025 dated 03.12.2025 had requested the Assistant Director of Survey and Land Records to survey the subject land along with the Tahsildar, Velachery Taluk and the Tahsildar, Sholinganallur Taluk and fix the boundaries and to report as to whether the subject land is situated in Old S.No.317/1 part correlating to T.S.No.1/80, Block no.189 of Velachery village or S.No.658/1A of Sholinganallur Taluk so as to enable the 4th Respondent herein to submit a comprehensive status report to the Hon'ble High Court.

12. In response to this, the survey of the subject land was carried out by the Assistant Director of Survey and Land Records along with the Inspector of South Chennai, Tahsildars of Velachery and



Sholinganallur and a team of surveyors.

13. I respectfully submit that the Survey was taken up with the help of DGPS (Differential Global Positioning System) instrument. The boundaries of the land parcels in Old S.No.317/1 part correlating to T.S.No.1/80, Block No.189 of Velachery Village and the boundaries of the land parcel in S.No.658/1A of Sholinganallur Taluk were pointed out to all the officials and the Petitioner.

14. I respectfully submit that as per the report of the Assistant Director of Survey and Land Records, the subject property out of the total extent in occupation of the petitioner, an extent of 240.0 Sq.metres is comprised in S.No.658/1A of Pallikaranai Village of Sholinganallur Taluk. Likewise the petitioner in W.P.No.40600/2025 nale VJPS Trust is squatting on the Government land measuring 645.0 Sq.metres comprised in S.No.658/1A of Pallikaranai Village of Sholinganallur Taluk.”

9. The survey report submitted by the Assistant Director of Survey and Land Records is placed before this Court, which would show that there is no misidentification in respect of the Government property as per the Government authorities.



10. Under these circumstances, the Writ Court cannot adjudicate the disputed issues relating to civil rights raised by the petitioner. Civil rights are to be adjudicated in a trial proceedings before the competent Civil Court of law based on the documents and evidences available on record. In the present case, the Government claims that it is Government land, and even after conducting a fresh survey in pursuance to the orders of this Court through an advanced system, namely DGPS, it is contended that the land belongs to the Government. Therefore, enforcement action initiated, as well as the appellate order passed by the District Collector, is based on merits and in consonance with the revenue records and Government documents.

11. The power of judicial review of the High Court under Article 226 of the Constitution of India is to ensure that the processes through which a decision has been taken by the competent authority in consonance with the statutes and rules, but not the decision itself. In the present case, the disputed fact relates to civil rights are complex in nature, which cannot be adjudicated in a writ proceedings. The global map as well as the sale deed documents produced by the petitioner cannot be adjudicated in a writ proceedings. Thus, this Court has no hesitation to arrive at a conclusion that case on hand is a fit case to relegate the petitioner to approach the competent Civil Court of law for the purpose of establishing his civil rights in the manner known to law.



12. With the above observations, the petition is dismissed. No costs.

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

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(S.M.S.,J.) (K.S.,J.)
25-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

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**S.M.SUBRAMANIAM, J.
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K.SURENDER, J.**

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