



WEB COPY

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

CONT P No. 2474 of 2025

Thiru. Krishna Kumar Chockalingam,
S/o. Chockalingam,
AE Block, 4 th Street,
Anna Nagar,
Chennai - 600 040.

..Petitioner(s)

Vs

1. Ms. V.R.Subbulaxhmi, I.A.S.,
The District Collector,
Collectorate Office,
Vellore – 632001.
2. Ms. Vijayalaksmi,
The Revenue Inspector,
Taluk Office,
Vellore- 632 001.
3. Mr. Muralidharan,
The Tahsildar,
Taluk Office,
Vellore- 632 001.
4. Ms. T.Malathi,
The District Revenue Officer,
District Collectorate,
Vellore- 632 001.

..Contemnor(s)

To punish the Respondents for their willful and deliberate
disobedience of the order dated 29.04.2024 in W.P.No. 11783 of 2024.



For Petitioner(s):

Mrs.Rita Chandrasekar
for M/s.Aiyar and Dolia

For Contemnor(s):

Mr.R.Ramanlal, AAG
assisted by
Mr.D.Ravichander,Spl Govt Pleader

ORDER

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

The present Contempt Petition has been instituted to punish the respondent for their wilful disobedience of the order of this Court dated 29.04.2024 in W.P.No.11783 of 2024. The following orders are passed by this Court.

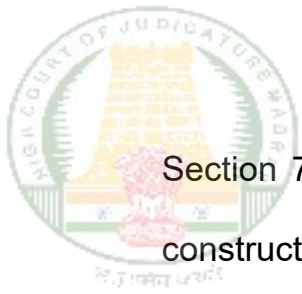
4. The notice issued under Section 7 of the Act of 1905 is a show cause notice. The petitioner has already filed a reply to the said notice. Action can be taken only after the order under Section 6 of the Act of 1905 is passed.

5. Learned State Government Pleader submits that if the order under Section 6 of the act of 1905 is not passed, the objections would be considered and then the order under Section 6 of the Act of 1905 would be passed.

6. If the order under Section 6 of the Act of 1905 is passed, then the petitioner has the liberty to file an appeal under Section 10 of the Act of 1905.

7. The writ petition, accordingly, stands disposed of. Therefore shall be no order as to costs. Consequently, W.M.P.Nos.12867 and 12868 of 2024 are closed.

2. Learned counsel for the petitioner would submit that after issuance of



Section 7 notice, no final notice under section 6 came to be issued but the constructions are demolished. Thus, the procedure as contemplated under the Land Encroachments Act had not been followed by the revenue authorities.

3. Learned Additional Advocate General appearing on behalf of the State would submit that the building was demolished, but the respondents are unable to produce any records to establish that Section 6 final notice was issued to the encroachers. Thus, there is a procedural lapse committed before removing the encroachments. Under these circumstances, the authorities who all are responsible for not following the procedures are to be subjected to disciplinary proceedings. Rules of natural justice is the basic principles contemplated under the Land Encroachments Act for removal of encroachments and the procedures cannot be dispensed with by the authorities at their whims and fancies. Encroachments are to be removed by following the procedures as contemplated under the Land Encroachments Act 1905.

4. In the present case, final notice under section 6 was not issued and before issuing notice, enforcement action was concluded. That being the factum, the District Collector/ 1st respondent is directed to initiate disciplinary proceedings against all the authorities who all are responsible for not following the procedures as contemplated under the Land Encroachment Act, 1905.



5. Since the encroachments are removed and the Government property has been taken over, no further direction is required in this regard. Therefore, the Contempt Petition stands closed. No costs.

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

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

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CONT P No. 2474 of 2



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

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CONT P No. 2474 of 2025

17-02-2026