



Cont.P.No.2910 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2026

CORAM

THE HONOURABLE MR.JUSTICE C.V. KARTHIKEYAN

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

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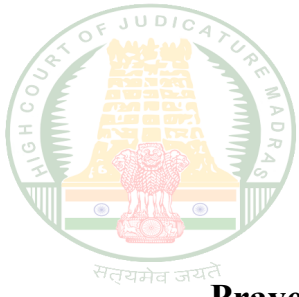
Mr.P.Rajendran

... Petitioner

VS

1. Thiru.K.Tharpagaraj I.A.S
The District Collector
The District Collector Office
Tiruvannamalai District – 606 604
2. Thiru. Ramakrishnan
The Revenue Divisional Officer
Arani Town
Tiruvannamalai District – 632 301
3. Tmt.Thenmozhi
The Tahsildar
Kalasapakkam Taluk
Tiruvannamalai District – 606 751
4. R.Balamurugan
The Block Development Officer
BDO Office, Kalasapakkam
Tiruvannamalai District – 606 751

... Respondents



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Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act to punish the respondents herein for the willful disobedience and non-compliance of the orders of this Court made in W.P.No.39419 of 2024 dated 02.01.2025.

For Appellant : Mrs.Vijayakumari Natarajan

For Respondent : Mr.D.Ravichander
Special Government Pleader
for R1 to R4

ORDER

[Order of the Court was delivered by **C.V. KARTHIKEYAN, J**]

The sixth respondent P.Rajendran, S/o.Pachaippan in W.P.No.39419 of 2024 has filed the present contempt petition complaining that the respondents had not followed the directions issued in the order dated 02.01.2025.

2. W.P.No.39419 of 2024 had been filed by Y.Poovarasi in the nature of a mandamus seeking a direction against respondents 1 to 4 to take action on the petitioner's complaints dated 01.09.2024 and 03.09.2024 and remove the illegal encroachments made by the respondents 5 and 6 in the property



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classified as “Government Battai Promboke” comprised in Survey No.99/1, measuring Hectares 0.69.0 ares situated in Kamatchi Amman Kovil Street, Padiyamputhoor Revenue Village, Chinnakallandai Village, Kalasapakkam Taluk, Tiruvannamalai District.

3. A coordinate Division Bench of this Court, by order dated 02.01.2025, had directed as follows:

“10. This Court directs the jurisdictional Divisional Monitoring Committee to examine if there is encroachment qua said land. The Divisional Monitoring Committee shall also ensure that adequate and ample opportunity is given to persons concerned more particularly alleged encroachers (R5 and R6) before taking a call. In this regard, we are acutely conscious that the matter is being disposed of in Admission Board without notice to alleged encroachers and therefore, this safety valve is put in place. To be noted, all the rights and contentions of alleged encroachers are preserved for being raised before the Committee concerned which shall consider the same on its own merits and in accordance with law untrammelled by this proceedings in this Court, within a period of twelve weeks from today i.e., by 27.03.2025.

11. The Divisional Monitoring Committee qua G.O. (Ms)No.64, Revenue and Disaster Management Department, Land Disposal Wing, dated 08.02.2022, shall (if it comes to the conclusion that there is encroachment) report the encroachment for further



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action (for removal of encroachment which again shall be after giving adequate and ample opportunity to alleged encroachers).

12. It is open to the WP petitioner and/ or anyone concerned with this matter to come to this Court on the same issue even with a similar / same prayer if there are any change of circumstances.”

4. Thereafter, the said sixth respondent P.Rajendran had filed W.P.No.9155 of 2025 seeking records relating to an order of the 4th respondent viz., Block Development Officer, Kalasapakkam, Tiruvannamalai District dated 12.02.2025 in Na.Ka.Va.A2/522/2022 and quash the same. When that writ petition came up before a Coordinate Division Bench of this Court, noting that earlier an order had already been passed in W.P.No.39419 of 2024 wherein P.Rajendran was the sixth respondent and extracting Paragraph Nos. 10, 11, 12 and 13, it was thereafter, stated as follows:

“3. Despite the above directions, no notice was issued to the writ petitioner. However, based on the petitions received from the respondents 5 and 6, the fourth respondent viz., Block Development Officer issued a notice under Section 7 of ‘The Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905) {hereinafter -said 1905 Act- for the sake of brevity}’ on



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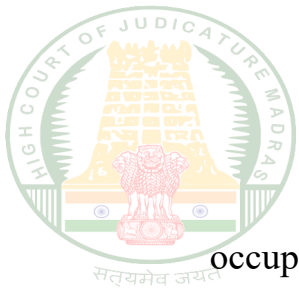
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18.12.2024 for which the writ petitioner sent his reply on 31.12.2024. But, without considering the representation made by the writ petitioner, the fourth respondent passed the impugned order for eviction under Section 6 of the said 1905 Act, which is contrary to the order of this Court in W.P. No.39419 of 2024 dated 02.01.2025. Hence the writ petitioner is before this Court assailing the impugned order dated 12.02.2025.

4. Issue notice.

5. Mr.T.K.Saravanan, learned Additional Government Pleader accepts notice for respondents 1 to 4 and submits that on perusal of records, notice under Section 7 of said 1905 Act was issued by an authority who is not competent to take action under the said 1905 Act. Learned State counsel submits that notice to the writ petitioner under Section 7 and order under Section 6 of said 1905 Act will be withdrawn and a fresh notice will be issued to the writ petitioner in accordance with the provisions contemplated under the said 1905 Act by the appropriate authority.

5. Fresh notice for removal of encroachment was directed to be issued to Rajendran in W.P.No.9155 of 2025/6th respondent in W.P.No.39419 of 2024, by the competent authority for removal of encroachment of the area



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occupied by him by invoking the provisions of the Tamil Nadu Land Encroachment Act, 1905. Complaining that they had not complied with the directions, P.Rajendran, then filed Contempt Petition No.1390 of 2025 and while disposing of the same, a Division Bench has noted as follows:

“2. This Court while disposing the Writ Petition in W.P.No.9155 of 2025 on 17.03.2025, had recalled the notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905) (hereinafter ‘said 1905 Act’) and the order for eviction under Section 6 of the said Act and also given a direction to issue fresh notice through competent authority and to consider the representation of the petitioner if any in accordance with law before passing a final orders.

3. Mr.Abishek Murthy, learned Government Advocate who takes notice for the respondents submitted that as per the directions of this Court dated 17.03.2025, the notice under Sections 7 and 6 of the said 1905 Act were served on the encroachers on 26.03.2025 and 16.04.2025 and after obtaining report from the Tahsildhar, the final order was also passed on 26.05.2025. Therefore, this Court finds that the order of this Court has been duly complied with. Hence, this Court is inclined to close this Contempt Petition .



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6. It is informed by the learned Special Government Pleader that a show-cause notice asking as to how he could be in occupation of Government Battai land had been issued to Rajendran and he had given his objections and final orders had also been passed. It is also stated that he had filed a revision before the Government.

7. The learned counsel for the petitioner/6th respondent in the writ petition, contended that there are various other encroachers and notice had been issued only to Rajendran and his brother, who had been impleaded as the 5th respondent in W.P.No.39419 of 2024. However, having filed a revision petition before the Government, the petitioner herein will have to work out his remedy before the said appropriate forum. Contempt is not made out and we are not inclined to entertain the contempt petition.

Accordingly, this contempt petition stands dismissed.

[C.V.K., J] [K.R.S., J]
02.04.2026

Index: Yes/No
Neutral citation: Yes/No
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and

K.RAJASEKAR, J

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