



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-04-2026

CORAM

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE K.SURENDER

W.P.No.36470 of 2024

Gunasundari

..Petitioner

Vs

1. The Revenue Divisional Officer
Hosur Revenue Divisional Office,
Hosur - 635 109, Krishnagiri District.
2. The Tahsildar Hosur
Hosur Taluk Office,
Hosur - 635 109,
Krishnagiri District.
3. The Revenue Inspector
Hosur - 635 109,
Krishnagiri District.

..Respondent(s)

Prayer: To direct the respondents 1 to 3 to restore petitioner's demolished compound wall along with the iron gate and barbed wire fences at their cost and also to pay compensation of Rs.5,00,000/- towards the damages done by the respondents herein in respect of her property situate in Old S.No.633/6 and 634/2C, New survey No.633/6B and 634/2C2 Nallur Village Hosur Taluk, Krishnagiri District

For Petitioner: Mr.M.Narayanaswamy

For Respondents: Mr.T.Arun Kumar
Addl. Govt. Pleader



ORDER

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

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Writ of Mandamus has been instituted to direct the respondents 1 to 3 to restore petitioner's demolished compound wall along with the iron gate and barbed wire fences at their cost and also to pay compensation of Rs.5,00,000/- towards the damages done by the respondents herein in respect of her property situate in Old S.No.633/6 and 634/2C, New S.No.633/6B and 634/2C2, Nallur Village, Hosur Taluk, Krishnagiri District.

2. Learned counsel for the petitioner would mainly contend that without issuing show cause notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 (in short the 'Act, 1905') and final notice under Section 6 of the Act, 1905, the compound wall constructed in the property of the petitioner had been demolished in violation of the rules of natural justice. Thus, the demolished portion of the compound wall is to be restored at the cost of the authorities.

3. Per contra, learned Additional Government Pleader appearing for the respondents, by relying on the counter affidavit filed by the Tahsildar, Hosur, would submit that show cause notice under Section 7 of the Act, 1905 was issued affording an opportunity to the



petitioner. However, petitioner refused to receive the show cause notice and the subsequent final notice. Thus, notices were affixed on the compound wall of the petitioner's premises. All the procedures had been duly complied with. The Authorities identified encroachments in Vaari Poramboke, which is a water body. The petitioner, by constructing a compound wall, obstructed free flow of water in the long channel. Thus, Authorities have issued show cause notice and demolished the compound wall. As of now, obstruction had already been removed and water channel is being protected for free flow of water for the benefit of people in that locality. He would further submit that the petitioner's husband is a retired Additional Deputy Superintendent of Police and therefore, she is not eligible for any assignment of Government land.

4. This Court is of the considered view that if at all petitioner is aggrieved, she has to prefer statutory appeal under Section 10 of the Act, 1905 before District Collector, who is the competent authority to take a decision by affording opportunity to the parties. In the present case, no such appeal has been filed. Thus, the petitioner is at liberty to file statutory appeal under Section 10 of the Act, 1905 before District Collector within a period of two weeks from the date of receipt of a copy of this order. In the event of receipt of any such appeal, the District Collector shall adjudicate the appeal without reference to limitation and decide the same independently on merits and in accordance with law.



S.M.SUBRAMANIAM,J.
AND
K.SURENDER,J.
AR

With the above observations, the present Writ Petition stands
dismissed. No costs.

(S.M.S.,J.) (K.S.,J.)
06-04-2026

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

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