

W.P.Nos.34295 and 34302 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 21.07.2025

CORAM:
THE HONOURABLE MR.JUSTICE M.SUNDAR
and
THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

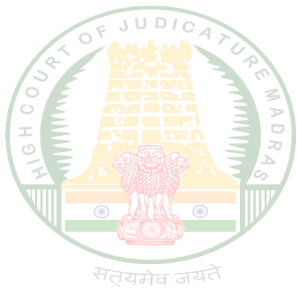
W.P.Nos.34295 and 34302 of 2022
W.M.P. Nos.33747, 33748, 33761 and 33762 of 2022

Dr. V.B. Krishnakumar Raja Petitioner in WP No.34295 of 2022

Dr. (Mrs.) V. Sukanya Kumar Petitioner in WP No.34302 of 2022

vs.

1. The Government of Tamil Nadu
represented by its Principal Secretary
Revenue and Disaster Management Department
Land Disposal Wing [LD (1)] Department
Secretariat
Chennai 600 009
2. The District Collector
Chengalpattu District
Chengalpattu
3. The Tahsildar
Pallavapuram Taluk
Chengalpattu District
4. The Revenue Inspector
Pallavapuram Taluk
Chengalpattu District



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5. The Cantonment Executive Officer
Office of the Cantonment Board
St. Thomas Mount
Chennai 600 016

Respondents in both Wps

Writ Petitions filed under Article 226 of the Constitution of India praying to issue a writ of certiorari calling for the records of the respondents ending with the notice dated 28.11.2022 issued to the petitioners under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 (Act III of 1905) by the fourth respondent and quash the same.

For petitioner
in both WPs

Mr. S.D. Venkateswaran

For RR 1 to 4
in both WPs

Mr. T.K. Saravanan
Addl. Govt. Pleader

For R5
in both WPs

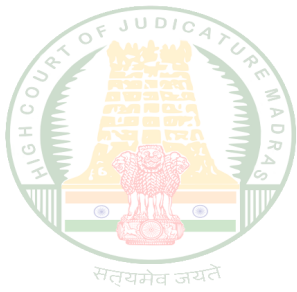
Ms. A. Remy Josephine Mary
for Mr. C. Mohan
for M/s. King & Partridge

COMMON ORDER

[made by HEMANT CHANDANGOUDAR, J.]

In view of commonality of the issue involved, these writ petitions are considered and decided by this common order.

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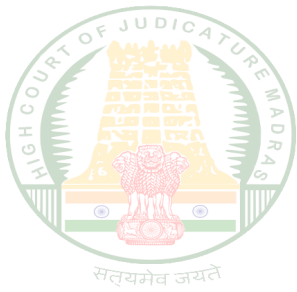
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2. These writ petitions have been filed challenging the notices dated 28.11.2022 issued by the fourth respondent (Revenue Inspector) under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 (Act III of 1905) [for short, "the LE Act"], calling upon the petitioners to show cause as to why the alleged encroachments made in Survey No.435 (part), St. Thomas Mount Village, Pallavaram Firka, Pallavaram Taluk, Chengalpet District, should not be removed. The alleged encroachment pertains to 2,000 sq. ft. each, out of a larger extent of land in the said survey number measuring approximately 7 acres.

3. The petitioners, instead of responding to the show cause notices, have directly approached this Court. It is a well-settled proposition of law that a noticee may invoke writ jurisdiction to challenge a show cause notice without submitting a reply only on the following limited grounds:

- (i) when the show cause notice is issued without jurisdiction;
- (ii) when the show cause notice is issued in violation of the principles of natural justice; or



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(iii) when the authority issuing the show cause notice has already pre-determined the matter by branding the noticee as an encroacher, thereby foreclosing any adjudication.

4. In the present case, the petitioners have challenged the impugned notices solely on the ground that the fourth respondent lacks jurisdiction to issue them. However, a plain reading of Section 7 of the LE Act makes it clear that a Revenue Inspector is, inter alia, empowered to issue a show cause notice. Therefore, the contention of the learned counsel for the petitioners that the fourth respondent lacks jurisdiction is devoid of merit.

5. In light of the foregoing discussion, we are of the considered view that the captioned writ petitions, having been filed without replying to the show cause notices, are not entertainable.

6. However, the petitioners are at liberty to submit their replies to the impugned show cause notices within a period of two weeks from today, i.e., on or before 04.08.2025. In the event the petitioners submit their replies within the said period, the same shall be duly considered, and appropriate orders under Section 6 of the LE Act shall



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be passed by the competent authority on merits and in accordance with law. Such orders shall be served on the petitioners within five working days from the date of their issuance.

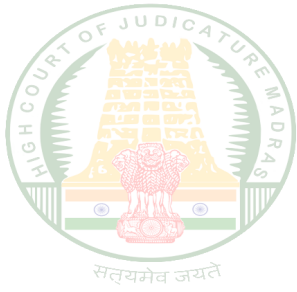
7. If the orders to be passed under Section 6 are in favour of the petitioners, the matter would end there. If the orders are adverse, the petitioners shall be entitled to file appeals under Section 10 of the LE Act within thirty days, along with applications for interim relief under Section 10-B of the LE Act. It is made clear that any coercive action pursuant to the impugned notices shall be subject to the outcome of the orders to be passed under Section 6 of the LE Act.

8. These writ petitions are accordingly disposed of on the above terms. There shall be no order as to costs. The connected writ miscellaneous petitions are closed.

(M.S.,J.) (H.C.,J.)
21.07.2025

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Index : Yes
Internet : Yes

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HEMANT CHANDANGOUDAR, J.

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To

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Land Disposal Wing [LD (1)] Department
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Common order in
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