



WEB COPY

WP No. 26536 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-07-2026

CORAM

THE HON'BLE DR JUSTICE G. JAYACHANDRAN

AND

THE HON'BLE MRS.JUSTICE N. MALA

WP No. 26536 of 2026

AND

WMP NO. 29031 OF 2026

Muniyammal
W/O.Selvam
Nainarpalayam Road
Aaseba Nagar,
West Kattukottai
Chinnasalem Town and Taluk
Kallakurichi District

..Petitioner(s)

Vs

1. The District collector
District collectorate
Kallakurichi and District
2. The Revenue Divisional officer
Revenue Divisional office
Kallakurichi and District
3. The Tahsildar
Chinnasalem Taluk
Kallakurichi District
4. Anantha Kumar
S/o.Vadamali
Nainarpalayam Road
Aaseba Nagar,
West Kattukottai
Chinnasalem Town and Taluk
Kallakurichi District

..Respondent(s)



Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari to call for the records pertaining the impugned order dated 25.05.2026 in Ref.No.Na/Aa5/132/2026 issued by the 1st respondent and quash the same

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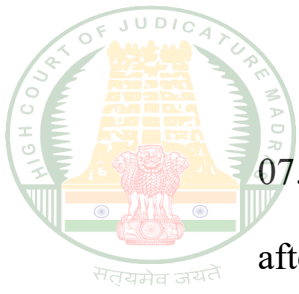
For Petitioner(s): V.Gunasekar

For Respondent(s): Mr.K.Surendar, Ga For R1 To R3

Order

(Order of the Court was made by Dr.G.Jayachandran J.)

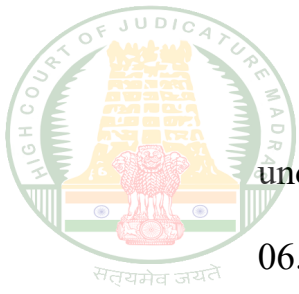
- (1) Mr.K.Surendar, learned Government Advocate accepts notice on behalf of the respondents 1 to 3. Since no adverse order is passed against the 4th respondent, notice to the 4th respondent is dispensed with.
- (2) By consent, the main writ petition itself is taken up for final disposal at the admission stage itself.
- (3) The petitioner herein admittedly in occupation of Government Tharisu land, measuring about 0.35.00 Ares, in Chinna Salem Village, is before this Court challenging the order passed by the District Collector on 25.05.2026, dismissing the appeal filed under section 10[a][i] of the Tamil Nadu Land Encroachment Act, 1905.
- (4) The learned counsel for the petitioner submitted that the appeal was dismissed by the District Collector, primarily on the ground of limitation, whereas, the eviction order was challenged in the appeal as early as on



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07.05.2025, and the appeal was kept pending for nearly a year and only after the writ petition filed by one Vadamalai and four others before this Court in WP.No.38888/2025, the District Collector has passed the present impugned order dated 25.05.2026, on the ground that the appeal is barred by limitation.

- (5) The learned Government Advocate appearing for the official respondents submitted that the order impugned herein is the order passed in the appeal by the District Collector pursuant to the power conferred under Section 10[a][i] of the Act. As per the Act, the appeal against Section 7 Notice, has to be preferred within thirty days from the date of receipt of the notice ; whereas, in the present case, apparently, the appeal was filed beyond the period of limitation. That apart, even on merits, the petitioner is not entitled to retain the occupation in the encroached land since the petitioner have patta land in the same village. Citing the aforesaid reason, the appeal was dismissed and not solely on the ground of limitation.
- (6) On perusal of the impugned order it is seen that the impugned order fortifies the statement made by the learned Government Advocate. The appeal being rejected on merits and incidentally, the District Collector has also pointed out in his order that the appeal is barred by limitation. Be that as it may, the learned counsel for the petitioner submitted that against the order of the District Collector dated 25.05.2026, which is impugned in this writ petition, the writ petitioner has preferred a revision



under Section 10[A] of the Tamil Nadu Land Encroachment Act, on 06.0.2026, before the Government and the same is pending.

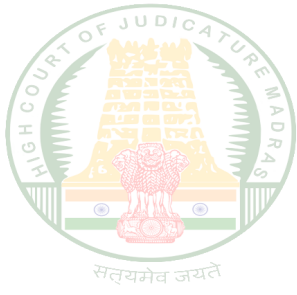
(7) We find that the order impugned in the writ petition being passed on merits as well as on limitation, there is no necessity to interfere with the impugned order. If at all the writ petitioner is aggrieved, it is open to him approach the Government seeking revision of the order passed by the District Collector. It is now stated across the Bar, that the writ petitioner has already approached the Government by way of a revision. If it is so, the Secretary to Government, Revenue Department, before whom the revision is filed, shall consider the same on merits and in accordance with law and pass appropriate orders within a period of three months from the date of receipt of a copy of this order.

(8) With the above direction, the writ petition stands **disposed of**. No costs. Consequently, the connected miscellaneous petition is closed.

(G.J.,J.) (N.M.,J.)
10-07-2026

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

AP



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**DR.G.JAYACHANDRAN J.
AND
N.MALA J.**

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