



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-08-2026

CORAM

**THE HONOURABLE DR JUSTICE G. JAYACHANDRAN
AND
THE HONOURABLE MR.JUSTICE E.MANOHARAN**

W.P.No.32185 of 2026

L.Kalaivani,
W/o.Loganathan,
Vannamparai, Poolakadu,
Pallipalayam Agraharam,
Kumarapalayam Taluk,
Namakkal District -638 008.

... Petitioner

Vs.

1. The District Collector,
Namakkal.

2.The Revenue Tahsildar,
Pallipalayam,
Namakkal.

3.The Land Revenue Surveyor,
Pallipalayam,
Kumarapalayam Taluk, Namakkal.

... Respondents

Prayer: Writ Petition has been filed under Article 226 of Constitution of India, to issue Writ of Mandamus, directing the respondents to consider the representation dated 05.06.2026 made by the petitioner within a time frame as may be fixed by this Hon'ble Court.

For Petitioner: Mr.S.Udayakumar,
for Mr. P.Muthukumarasamy

For Respondents: Mr.K.Surendar,
Special Government Pleader

**ORDER**

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

The petitioner who holds patta for R.S.No.96/2A1B for the land measuring 0-1.92 ares. Being aggrieved by the notice issued under Section 7 by the Revenue Tahsildar, Pallipalayam, alleging that the petitioner has encroached upon the Government Poramboke Salai in R.S.No.96/1 to an extent of 0.08.5 ares and has put up compound wall and ramp with steps.

2. The contention of the petitioner is that she has not encroached upon R.S.No.96/1 and without conducting proper survey, the eviction notice under Section 7 been issued. Hence, a detailed reply was given to the authorities to conduct survey in her presence and demarcate the limits of S.No.96/1 and R.S.No.96/2A1B, Pallipalayam Agraharam, Kumarapalayam Taluk, Namakkal District.

3. The Learned Special Government Pleader appearing for the respondents states that, after issuance of the impugned notice dated 05.06.2026 under Section 7, the authorities have issued notice under Section 6 for removal of the encroached portion and the same has been done only after proper survey. Since the petitioner has encroached upon portion of the road classified as *Salai* by putting up a compound wall and ramp, the encroached portion alone is proposed to be removed and if at all the petitioner is aggrieved by the notice



issued under section 6, there is an appellate remedy under Section 10 of the Act.

Without exhausting the appeal remedy, the present writ petition is filed challenging the order issued under Section 7, which has become infructuous after issuance of the notice under Section 6 dated 30.07.2026.

4. Considering the submissions made by the Learned Counsel appearing for the petitioner and the Learned Special Government Pleader for the respondents, this writ petition is disposed of with the following lines.

The petitioner is at liberty to challenge the notice issued under Section 6 before the appropriate authority under Section 10 of the Act. If any such appeal is filed, the authority shall consider it, particularly the grounds raised by the petitioner regarding identification of the survey number of the land upon which the building of the petitioner stands. After conducting survey in the presence of the petitioner, the appellate authority, based on the survey report shall proceed and pass appropriate orders in the appeal, if it is filed within 30 days from today.

There shall be no order as to costs.

(Dr. G.JAYACHANDRAN, J.) & (E.MANOHARAN J.)
13-08-2026



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

To,

1.The District Collector,
Namakkal.

2.The Revenue Tahsildar,
Pallipalayam,
Namakkal.

3.The Land Revenue Surveyor,
Pallipalayam,
Kumarapalayam Taluk,
Namakkal.



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Dr. G.JAYACHANDRAN, J.
AND
E.MANOCHARAN, J.
bsm

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