



W.P(MD)No.18552 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 02.07.2026

CORAM

THE HONOURABLE MR. JUSTICE **C.V.KARTHIKEYAN**
AND
THE HONOURABLE MR. JUSTICE **R. SAKTHIVEL**

W.P(MD)No.18552 of 2026
and
W.M.P(MD)Nos.13719 and 13721 of 2026

Senthilkumar

: Petitioner

Vs

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Tahsildar,
Devakottai Taluk Office,
Sivagangai District.

3.The Village Administrative Officer,
Kurundhur Village,
Naranamangalam Group,
Devakottai Taluk,
Sivagangai District.

: Respondents

PRAYER :-

Writ Petition is filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the second respondent made in proceedings



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No.Nil dated 09.06.2026 and to quash the same and to direct the respondents to refrain from demolishing the cattle shed in S.No.362/8 at Kurundhur Village, Naranamangalam Group, Devakottai Taluk, Sivagangai District and evicting the petitioner without following the legal requirements of law.

For Petitioner : Mr.A.Muralikumar

For Respondents : Mr.K.K.Udayakumar
Counsel for State of TN

ORDER

(Order of the Court was made by **C.V.Karthikeyan, J.**)

Mr.K.K.Udayakumar, learned Counsel for State of Tamil Nadu takes notice for the respondents.

2.The writ petition has been filed in the nature of a Certiorarified Mandamus seeking records of the second respondent/Tahsildar, Devakottai Taluk Office, Sivagangai District, in the proceedings dated 09.06.2026, which were issued under Section 6 of the Land Encroachment Act, 1905.



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3. Prior to issuance of the said notice, an earlier notice under Section 7 of the said Act had been issued. The petitioner had filed an appeal before the District Collector under Section 10 of the Act. This fact is admitted by both sides. When the appeal is pending, the District Collector is required to apply his mind and pass final orders on the appeal. While the appeal is pending, the second respondent, should not have issued the impugned notice under Section 6 of the Act. We are not entering into any discussion relating to the nature of the land or the occupation of the petitioner herein. That is the prerogative to be examined purely by the first respondent/District Collector, Sivagangai.

4. Taking into account the narrow reason that an appeal under Section 10 of the Act is pending before the District Collector, the impugned order should be kept in abeyance until final orders are passed in the appeal by the first respondent/District Collector.

5. Accordingly, the Writ Petition stands disposed of with a direction to the first respondent to dispose of the appeal within a period



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of three months from the date on which the said appeal was taken on file.

No costs. Consequently, connected miscellaneous petitions are closed.

(C.V.K., J) & (R.S.V., J)
02.07.2026

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NCC : Yes

To

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The Tahsildar,
Devakottai Taluk Office,
Sivagangai District.
- 3.The Village Administrative Officer,
Kurundhur Village,
Naranamangalam Group,
Devakottai Taluk,
Sivagangai District.



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**C.V.KARTHIKEYAN, J.
and
R.SAKTHIVEL, J.**

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ORDER
IN
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Date : 02.07.2026