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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.08.2026

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

and

THE HONOURABLE MR. JUSTICE N.DILIP KUMAR

W.P.(MD)No.23427 of 2026

and

W.M.P.(MD).Nos.17426 of 2026

Sebasthiyan

: Petitioner

Vs.

1.The District Collector,
Collectorate, Tiruchirappalli District.

2.The Tahsildar,
Taluk Office,
Srirangam Taluk,
Manikandam, Tiruchirappali District.

: Respondents

Prayer: This petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the second respondent to keep in abeyance all further proceedings pursuant to the eviction notice in Na.Ka.No.A3/461/2026, dated 04.07.2026 issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, pertain to from SF.No.287/1 situated at Sethurapatty Village, Srirangam Taluk, Trichirappali District pending disposal of the statutory appeal together with the stay petition dated 15.07.2026 filed before the first respondent under Section 10B of the Tamil Nadu Land Encroachment Act, 1905.



For Petitioner

: Ms.A.Arul Jenifer,
for M/s.KBS Law Office

For Respondents

: Mr.M.Mahaboob Athiff,
Special Government Pleader

ORDER

(Order of the Court was made by **M.DHANDAPANI.J.**)

This writ petition has been filed for issuance of a writ of mandamus directing the second respondent to keep in abeyance all further proceedings pursuant to the eviction notice in Na.Ka.No.A3/461/2026, dated 04.07.2026, issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, in respect of S.F.No.287/1, situated at Sethurapatty Village, Srirangam Taluk, Tiruchirappalli District, pending disposal of the statutory appeal along with the stay petition dated 15.07.2026 filed before the first respondent under Section 10-B of the Tamil Nadu Land Encroachment Act, 1905.

2. Heard Ms.A.Arul Jenifer, learned counsel appearing for the petitioner and Mr.M.Mahaboob Athiff, learned Special Government Pleader, who takes notice on behalf of the respondents.



3. By consent of both parties, the writ petition is taken up for final disposal at the stage of admission itself.

4. The learned counsel appearing for the petitioner would submit that the petitioner is the owner of the subject property. However, the respondents have taken a view that the subject property is a water body and, accordingly, issued a notice under the relevant provisions of the Tamil Nadu Land Encroachment Act, 1905. Thereafter, after considering the explanation submitted by the petitioner, an order under Section 6 of the said Act has been passed. Aggrieved by the same, the petitioner has preferred a statutory appeal before the appellate authority, namely, the first respondent, along with a stay petition dated 15.07.2026. However, the said appeal as well as the stay petition have not been considered till date. In the meanwhile, the respondents are taking steps to evict the petitioner from the subject property. Hence, the present writ petition has been filed.

5. The learned Special Government Pleader appearing for the respondents would submit that the appeal filed by the petitioner would be considered and disposed of as expeditiously as possible. He would further submit that the first respondent may be directed to consider the stay petition and pass appropriate orders thereon within a stipulated time and thereafter dispose of the statutory appeal within a further stipulated period.



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6. In view of the above submissions, without expressing any opinion on the merits of the case, this writ petition is disposed of with the following directions:

(i) The first respondent shall consider the stay petition dated 15.07.2026 filed by the petitioner and pass appropriate orders thereon, on merits and in accordance with law, within a period of one week from the date of receipt of a copy of this order.

(ii) Thereafter, the first respondent shall consider and dispose of the statutory appeal filed by the petitioner, on merits and in accordance with law, after affording due opportunity of hearing to all the parties concerned, within a period of six weeks thereafter.

(iii) Till the disposal of the stay petition, the respondents shall not take any coercive steps pursuant to the order passed under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, in respect of the subject property.

There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[M.D.I.,J] [N.D.K.,J]
13.08.2026

Index:Yes/No
Internet:Yes/No
TSG



To

1. The District Collector,
Collectorate,
Tiruchirappalli District.

2. The Tahsildar,
Taluk Office,
Srirangam Taluk,
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**M.DHANDAPANI, J
AND
N.DILIP KUMAR, J**

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