



WEB COPY

WP No. 16436 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-05-2025

CORAM

**THE HONOURABLE MR JUSTICE G. R. SWAMINATHAN
AND
THE HONOURABLE MR JUSTICE V. LAKSHMINARAYANAN**

**WP No. 16436 of 2025
AND
WMP NO. 18570 OF 2025**

Kamaraj @ Palani
S/o.Ramasamy, No.135/112, South
Street, Ulagalapadi Village, Vanapuram
Taluk, Kallakurichi District.

Petitioner(s)

Vs

The Revenue Tahsidlar-cum-
Taluk Executive Magistrate, Vanapuram
Taluk, Kallakurichi District

Respondent(s)

PRAYER: This petition has been filed under Section 226 of the Constitution of India seeking for issuance of a Writ of Certiorari, to call for the records relating to the impugned proceedings dated 26.03.2025, having reference no.Na.Ka.A3/1074/2025 issued by the respondent herein in respect of the petitioner's land comprised in Survey no.110/3, situated at Ulagalapadi Village, Vanapuram Taluk, Kallakurichi District, and quash the same.

For Petitioner(s): M/s.R.Bharath Kumar
R.Divyapreathika
A.Ambedkar



K.Rajkumar
U.Ramya

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For Respondent(s): Ms.R.Anitha, AGP

ORDER

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

By the impugned order dated 26.03.2025, the Tahsildar, Vanapuram, had called upon the petitioner to remove the encroachment said to have been created by the petitioner on the petition mentioned pathway.

2.The impugned communication reads that in the event of failure on the part of the petitioner, action will be taken under the Tamil Nadu Land Encroachment Act. Therefore, this communication by itself is not amenable to challenge.

3.It is not in dispute that, subsequently, an order was passed under Section 6 of the Act on 15.04.2025. Aggrieved by the same, the petitioner has filed an appeal before the District Collector under Section 10 of the Act on 01.05.2025.

4.However, the petitioner demonstrated before us that even before the



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appeal is disposed of, the respondent has taken coercive action. We agree with the learned counsel for the petitioner that if coercive action is taken in the meanwhile, his appeal filed under Section 10 will become infructuous. Therefore, the District Collector is directed to dispose of the appeal on merits and in accordance with law within a period of 8 weeks. Till the petitioner's appeal filed on 01.05.2025 is disposed of, no coercive action shall be taken by the respondent.

5.The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

[G.R.S.J.,] [V.L.N.J.,]
22-05-2025

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



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To

1. The Revenue Tahsidlar-cum-
Taluk Executive Magistrate, Vanapuram
Taluk, Kallakurichi District



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**G.R.SWAMINATHAN
J.
AND
V.LAKSHMINARAYAN
AN J.
Suk/dn**

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