



W.P.No.17385 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.05.2025

CORAM:

THE HONOURABLE MRS. JUSTICE N.MALA

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.NO.17385 OF 2025

Selvi

... Petitioner

Vs.

1.The District Collector
Dharmapuri District.

2.The District Revenue Officer
Dharmapuri District.

3.The Assistant Director of Town Panchayat
Dharmapuri District.

4.The Tahsildar
Pappireddipatti, Dharmapuri District.

5.The Executive Officer
Pappireddipatti Town Panchayat
Dharmapuri District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the entire records relating to the impugned notice passed by the 5th respondent in his proceedings Na.Ka.No.41/2025/A1, dated 16.04.2025



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and quash the same and consequently, forbear the respondents from interfering with the peaceful possession of the petitioner without following due process of law.

For Petitioner : Mr.Krishnasamy Chinnasamy

For Respondents : Mr.S.J.Mohamed Sathik
1 to 5 Government Advocate

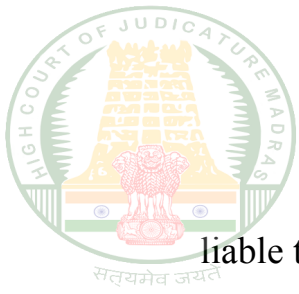
ORDER

(Order of the Court was made by N.Mala, J.)

This writ petition has been filed in the nature of a Certiorarified Mandamus, seeking records relating to the impugned notice issued by the fifth respondent in his proceedings Na.Ka.No.41/2025/A1, dated 16.04.2025 and to quash the same and for a consequential direction to forbear the respondents from interfering with the petitioner's peaceful possession.

2.Heard the learned counsel for the petitioner.

3.The learned counsel for the petitioner submits that the impugned show cause notice has been issued by the fifth respondent and the competent authority to issue such show cause notice under Section 7 of the Land Encroachment Act, 1905 is the first respondent – District Collector. Hence, the impugned order issued by the fifth respondent is



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liable to be set aside.

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4.In support of his contention, the learned counsel placed reliance on an order dated 24.04.2025 passed by a Division Bench of this Court in W.P.Nos.14565 and 14568 of 2025 wherein similar issue arose and the Division Bench set aside the order impugned therein. The said order squarely applies to the facts and circumstances of the case on hand.

5.In the light of the above, we set aside the impugned order dated 16.04.2025 passed by the fifth respondent. However, the respondents are at liberty to issue fresh show cause notice to the petitioner, as per law.

6.The writ petition stands disposed of accordingly. No costs.

[N.M., J.] [G.A.M., J]
08.05.2025

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To



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