



W.P.No.26505 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.SUNDAR

and

THE HONOURABLE MR. JUSTICE HEMANT CHANDANGOUDAR

W.P.No.26505 of 2025

and

W.M.P.No.29804 of 2025

K.Saravanan

...Petitioner

vs.

1. The Thasildhar,
Sholingar Taluk, Ranipet District.

2. The Block Development Officer (VP)
Kaveripakkam Panchayat Union,
Kaveripakkam & Post,
Ranipet District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorari, calling for the records relating to notice of eviction dated 03.07.2025 issued under section 6 of the Tamil Nadu Land Encroachment Act, 1905 by the 1st respondent and quash the same.

For Petitioner : Mr. S.Kamadevan

For Respondents : Mr.T.K.Saravanan
Additional Govt. Pleader

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ORDER

[Order of the Court was made by M.SUNDAR, J.]

A 'notice/order under Section 6 of 'the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity} dated 03.07.2025 made by R1' [hereinafter 'impugned order' for the sake of convenience] has been called in question vide the captioned main 'Writ Petition' ['WP' for the sake of brevity] which has been filed with a prayer for issue of certiorari qua impugned order.

2. Mr.S.Kamadevan, learned counsel for writ petitioner predicates his campaign against the impugned order on the short point that the same was not preceded by a notice under Section 7 of said 1905 Act (to be noted, Section 7 notice is in the nature of a show-cause notice, which is statutorily imperative for making a Section 6 order).

3. Issue notice to respondents.

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4. Mr.T.K.Saravanan, learned Additional Government Pleader accepts notice for both the respondents and in his usual fairness submits, on instructions, that the impugned order was not preceded by a Section 7 notice and therefore, the impugned order will stand withdrawn. This submission is recorded i.e., the submission of learned State counsel that there is a rollback qua impugned order.

5. We make it clear that all the rights and contentions of State are preserved for issuing notice afresh under Section 7 of said 1905 Act by a Competent Authority/Revenue Authority, if so advised and desired. Axiomatically, all the rights and contentions of the writ petitioner (including the points raised in the captioned WP) will remain preserved for the writ petitioner to respond to Section 7 notice.

6. In the light of roll back, the captioned WMP has worked itself out as there cannot be any coercive action for the present.



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7. Captioned WP stand allowed and the impugned order dated 03.07.2025 is quashed albeit with preservation of rights of both sides in the aforesaid manner. Captioned WMP is disposed as closed as writ petitioner's anxiety is doused. There shall be no order as to costs.

(M.S.,J.) (H.C.,J.)
18.07.2025

Indes : Yes /No
Neutral Citation: Yes/No
Speaking order / Non-speaking order

gpa

To

1. The Thasildhar,
Sholingar Taluk, Ranipet District.
2. The Block Development Officer (VP)
Kaveripakkam Panchayat Union,
Kaveripakkam & Post,
Ranipet District.



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M.SUNDAR, J.
and
HEMANT CHANDANGOUDAR, J.

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