



W.P.No.34207 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.09.2025

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

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T.Murugesan .. Petitioner

Vs.

1. The District Collector
Krishnagiri District, Office of the Collectorate
Krishnagiri - 635 115.
2. The Revenue Divisional Officer
Pochampalli Taluk, Collectorate Office Complex
Krishnagiri - 635 115.
3. The Tahsildar
Pochampalli Taluk, Dharmapuri Main Road
Pochampalli, Krishnagiri District.
4. The Revenue Inspector
Barur Main Road, Pochampalli Taluk
Krishnagiri District.

.. Respondent

Prayer: Petition filed under Article 226 of the Constitution of India, seeking a writ of certiorarified mandamus, calling for the records and to quash all the proceedings leading to the impugned order No.NA.KA.18908/2025/H3 dated 04.08.2025 passed by the first respondent consequent to the notice dated 17.06.2025 issued by the fourth respondent with reference to the alleged appeal filed by the petitioner under Section 10(1) of the Tamil Nadu Encroachment Act, 1905.



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For the Petitioner : Mr.K.Bijai Sundar
For the Respondents : Ms.M.Jayanthy
Additional Government Pleader

ORDER

(Order of the Court was made by R.SURESH KUMAR, J.)

The prayer sought in this writ petition is for a writ of certiorarified mandamus, calling for the records and to quash all the proceedings leading to the impugned order No. Na.Ka.18908/2025/H3 dated 04.08.2025 passed by the first respondent, consequent to the notice dated 17.06.2025 issued by the fourth respondent with reference to the alleged appeal filed by the petitioner under Section 10(1) of the Tamil Nadu Land Encroachment Act, 1905¹.

2. The petitioner had been the encroacher at S.No.155A/2 at Chellakuttapatti in Barur Firka in Pochampalli Taluk, Krishnagiri District. Since the land is a Government poromboke land, in order to evict the petitioner, by invoking the provisions of Act 3 of 1905, the Revenue Inspector has issued notice under Section 7 of Act 3 of 1905 on 17.06.2025. As against the said notice issued under Section 7, the petitioner preferred an appeal under Section 10(1) of Act 3 of 1905 to the first respondent District Collector, who

¹ Hereinafter referred as "Act 3 of 1905".



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dismissed the said appeal by the order dated 04.08.2025, which is impugned herein.

3.1. Assailing the said order dated 04.08.2025, *Mr.K.Bijai Sundar*, the learned counsel for the petitioner would contend that, when a notice is issued under Section 7 of Act 3 of 1905, it must contain only the notice part and to seek show-cause from the occupier of the land, however, when the language used in the said notice dated 17.06.2025 is looked into, it will reveal that, already it has been predetermined by the Revenue Department and accordingly, they directed the petitioner to vacate the land within a period of fifteen days, therefore, it cannot be treated as a show-cause notice.

3.2. When this was questioned before the District Collector by filing an appeal under Section 10(1) of Act 3 of 1905, the District Collector also has not considered the said aspect in proper perspective and he dismissed the appeal filed by the petitioner. Therefore, all these orders are liable to be set aside, hence, he seeks indulgence of this Court.



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4. Under the scheme of the Act, that is the Act 3 of 1905, if any encroachment is made by anyone in the Government land or Government poromboke land, the provisions of the said Act could be invoked for evicting them, where, an order could be passed by the Revenue Authorities under Section 6 of Act 3 of 1905 for eviction of such encroachers. However, before such an eviction order is passed, an opportunity must be given to the encroachers by giving show-cause notice under Section 7 of Act 3 of 1905.

5. Here, when they issued notice under Section 7 of Act 3 of 1905 to the petitioner, it has been mentioned in the said notice that the petitioner shall vacate within a period of fifteen days from the date of receipt of a copy of the notice and to remove all crops, agricultural produce, constructions, building structures and etc. and if he fails to comply, he will be immediately evicted from the land and the crop produce, constructions, building structures, etc., would be seized.

6. This has been pointed out by the learned counsel appearing for the petitioner that, it cannot be treated as a show-cause notice, as they predetermined the issue and decided to evict the petitioner. Therefore, they have issued the proceedings under Section 7 of Act



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3 of 1905, as if it is a show-cause notice, but, in order to evict the petitioner, this eviction order has been passed. Therefore, such kind of eviction order cannot be issued under Section 7 of Act 3 of 1905.

7. When this has been questioned before the District Collector, he has not considered the same and rejected the appeal filed by the petitioner on the ground that no appeal, under Section 10 of Act 3 of 1905, could be entertained by the District Collector as against the notice issued under Section 7 of Act 3 of 1905.

8. Repeatedly, this Court has held in a number of cases that, whenever such show-cause notice has been issued under Section 7 of Act 3 of 1905, it must contain only the show-cause part alone, which is served upon the occupier or the encroacher of the land in question, where, the period of two weeks is given, within which, if no reply is given or show-cause is made, after having considered the same, final orders could be passed. If there is no reply given by the encroacher or the occupier, even then, the Revenue Authorities could pass the order of eviction under Section 6 of Act 3 of 1905. If any such order is passed under Section 6 of Act 3 of 1905 for eviction, as against such order, if the party is aggrieved, he could prefer an appeal before the District Collector, being the Appellate



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Authority under Section 10 of Act 3 of 1905.

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9. When this being the scheme of the Act, it should be strictly and scrupulously followed by the Revenue Officials while dealing with the provisions of the Act. Therefore, in the present case, since the language used in the notice issued under Section 7 of Act 3 of 1905 mandates that, the petitioner should vacate the premises within fifteen days, it cannot be treated as a show-cause notice. Therefore, he has approached the District Collector by filing an appeal, who also has rejected the same.

10. In that view of the matter, we dispose this writ petition with the following orders:

(i) That the notice under Section 7 of Act 3 of 1905 dated 17.06.2025, issued by the Revenue Inspector concerned, shall only be treated as a show-cause notice by the petitioner and it is open to him to give his reply or show-cause within a period of fifteen days from the date of receipt of a copy of this order.

(ii) On receipt of the same, that is the reply to be given by the petitioner, it is open to the Revenue Tahsildar concerned to pass orders under Section 6 of Act 3 of 1905, either to accept the reply or otherwise and if order under Section 6 is passed, that could be the final order of



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eviction to be passed against the petitioner, being the encroacher of the Government poromboke land.

(iii) In view of the said directions given by this Court, the order passed by the District Collector, which is impugned herein dated 04.8.2025, shall be kept in abeyance, as that became *otiose*.

11. With these directions, the writ petition is disposed of. However, there shall be no order as to costs. Consequently, W.M.P.No.38354 of 2025 is closed.

(R.S.K., J.) (H.C., J)
17.09.2025

Speaking Order
Neutral Citation:Yes
Internet:Yes
Index:Yes

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To:

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R. SURESH KUMAR, J.
AND
HEMANT CHANDANGOUDAR, J.

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