



WP No. 37133 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-09-2025

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR

WP No. 37133 of 2025 AND

WMP Nos. 41550 and 41552 OF 2025

R.Silambarasan

S/o.Rajendran, Colony Street, Vazhakkarai Taluk,
Nagapattinam District

..Petitioner

Vs

1. The District Collector
Collectorate, Nagapattinam District.
2. The Revenue Divisional Officer
Office Of The RDO, Nagapattinam District
3. The Tahsildar
Taluk Office, Thirukkuvalai Taluk,
Nagapattinam District
4. Sasikala
D/o.Panneerselvam, No.1-96, Colony Street,
Vazhakkarai Village, Melavazhakkarai,
Nagapattinam-610 204

..Respondents



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Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the records relating to the impugned Eviction Notice Na.Ka.No.1851-2025-AA2 dated 9.9.2025 issued by the 3rd respondent and quash the same as arbitrary, violative of natural justice and contrary to the observations of this Honble court in W.P.No.17707 of 2024 dated 7.8.2025 and consequently forbear the 3rd respondent from in any manner interfering with the petitioners possession and enjoyment of the property in Survey No.121/6,Vazhakarai village, Thirukkuvalai Taluk, Nagapattinam District, subject to disposal of any appeal and revision remedy provided in the Tamilnadu land Encroachment Act 1905 and further direct the 3rd respondent to follow the due process of law in accordance with the provisions of the Tamilnadu land Encroachment Act 1905.

For Petitioner : Mr.T.Perinbanathan
for Mr.J.Jawahar
For Respondents : Mr.S.Arumugam,
Government Advocate - for RR 1 to 3
R4 - Notice dispensed with

ORDER

(Order of the Court was made by R.Suresh Kumar J.)

The impugned order dated 09.09.2025 has been issued, though under Section 6 of the Land Encroachment Act, 1905, before which, no notice under Section 7 has been issued.



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2. Heard the learned counsel for the petitioner and the learned Government Advocate for the official respondents. In view of the order that is going to be passed, notice to the 4th respondent is dispensed with.

3. Though already a writ petition has been filed by the fourth respondent for initiating action against the petitioner and another to remove such alleged encroachment, the Division Bench in its order dated 07.08.2025 has preserved the rights and contentions of both parties including the present petitioner, meaning thereby that notice has to be issued by the Revenue authorities under Section 7 of the Act and if such opportunity is given, the petitioner would be able to defend himself by giving a reply to such notice.

4. However, by citing the order dated 07.08.2025 of the Division Bench, straight away since eviction order dated 09.09.2025 has been issued, we are inclined to set aside the impugned order. Accordingly, the impugned order dated 09.09.2025 is set aside and the matter is remitted back to the



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respondents, especially the third respondent Tahsildar to invoke the provisions of Act 3 of 1905 including Section 7 of the Act by issuance of notice by giving time as stipulated therein to the petitioner to give a reply and thereafter action can be taken against him if need arises.

5. With the above directions, this writ petition is disposed of. No costs.

W.M.P.No.41550 of 2025 is ordered and W.M.P.No.41552 of 2025 is closed.

(R.S.K.,J.) (H.C.,J.)
26-09-2025

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

KST



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

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