



WEB COPY

W.P.No.44622 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.12.2025

C O R A M

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.44622 of 2025 and
W.M.P.No.49770 of 2025

Ganapathy

... Petitioner

-VS-

1. The District Collector,
Collectorate, Salem.
2. The Thasildar,
Omalur Taluk Office,
Salem.
3. The Revenue Inspector,
Karuppur, Omalur Taluk,
Salem District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus to call for the records pertaining to the impugned order / notice dated 07.10.2025 passed by the 3rd respondent and quash the same and to consequently direct the 1st respondent to regularize the petitioner's house in Survey No.57 situated at Vasantham Nagar, Vallakkalpatti Village, Omalur Taluk, Salem District in view of the Patta Passbook Act, 1986.

For Petitioner : Mr.P.Vijendran

For Respondents : Mr.A.Selvendran



WEB COPY



W.P.No.44622 of 2025

ORDER

(By.S.M.SUBRAMANIAM,J.,)

The notice issued under Section 7 of the Tamil Nadu Encroachment Act, 1905 is under challenge in the present writ proceedings. No writ against show cause notice is maintainable, unless it has been issued by an incompetent authority, having no jurisdiction or tainted with the allegations of mala fide.

2. Learned counsel for the petitioner would submit that Authorities have predetermined the issue and therefore, the show cause notice is liable to be set aside. The said ground is unacceptable in view of the fact that Revenue Authorities, after conducting survey and identifying encroachments, issued show cause notice by furnishing details. The said notice cannot be construed as a final notice. The petitioner, on receipt of Section 7 notice, has to submit his explanation along documents, if any and thereafter, the Authority has to consider the same and issue a final notice under Section 6 of the Act and proceed with the enforcement action.

3. The Writ Petitioner has earlier filed W.P.No.21803 of 2023 to consider his representation for grant of patta. This Court passed an order dated 01.08.2023, recording the fact that the application submitted



W.P.No.44622 of 2025

by the Writ Petitioner seeking patta was rejected and ultimately, the said Writ Petition was closed. Again the Writ Petitioner filed another writ petition in W.P.No.23366 of 2023, challenging the rejection order dated 23.07.2023. This Court passed a final order on 10.08.2023, Paragraph No.10 of which reads as follows:

“10.In the present case, the petitioner is an encroacher. The petitioner states that the 5th respondent is causing disturbance to the petitioner and trying to occupy the Government lands. Thus, the first respondent, District Collector, Salem, is directed to depute a responsible officer not below the rank of Revenue Divisional Officer and conduct a field inspection in respect of the water bodies and the Government poramboke land in that locality and evict all such encroachers including the petitioner and the 5th respondent by following the procedures contemplated under the relevant statutes. The said exercise is directed to be completed within a period of eight weeks from the date of receipt of a copy of this order.”

4. Section 7 notice alone is issued, which is under challenge in the present writ petition and therefore, the writ petition is not maintainable. However, the writ petitioner is at liberty to submit his explanation along with documents, if any to the authorities, who, in turn, on receipt of explanation from the petitioner, shall consider the same and issue final notice under Section 6 and complete the enforcement action in respect of removal of encroachment. The said exercise is directed to be completed within a period of twelve weeks from the date of receipt of a copy of this order



WEB COPY



W.P.No.44622 of 2025

S.M.SUBRAMANIAM, J.
AND
C.KUMARAPPAN, J.
ar

With the above direction, the Writ Petition stands dismissed.

No costs. Consequently, connected Miscellaneous Petition is closed.

(S.M.S,J.) (C.K,J.)
03.12.2025

Index: Yes
Internet: Yes
ar

To:

1. The District Collector,
Collectorate, Salem.
2. The Thasildar,
Omalur Taluk Office,
Salem.
3. The Revenue Inspector,
Karuppur, Omalur Taluk,
Salem District.

W.P.No.44622 of 2025