



W.A.(MD)No.81 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 17.03.2025

CORAM:

**THE HON'BLE MRS JUSTICE J. NISHA BANU
AND
THE HON'BLE MRS JUSTICE S.SRIMATHY**

**W.A.(MD)No.81 of 2025
and C.M.P.(MD)No.437 of 2025**

R.Thavam

... Appellant

-Vs-

- 1) The District Collector,
The Collectorate Office,
Tenkasi District.
- 2) The Revenue Divisional Officer,
Revenue Divisional Office,
Tenkasi District.
- 3) The Block Development Officer,
Block Development Office,
Keelapaavoor,
Tenkasi District
- 4) The Tashildar,
Taluk Office,
Tenkasi District.
- 5) The Assistant Director of Panchayat Union,
Office of the Assistant Director of Panchayat Union,
Tenkasi District.



W.A.(MD)No.81 of 2025

WEB COPY

6) The Superintendent of Police,
Tenkasi District.

7) The Deputy Superintendent of Police,
Office of Deputy Superintendent of Police,
Tenkasi District.

8) The Inspector of Police,
Paavoor Chathiram Police Station,
Tenkasi District.

9) Mariyappan

10) I.Kumar ...Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent Act, to set aside the order of this Court made in W.P.(MD)No.635 of 2023 dated 05.12.2024.

For Appellant : Mr.S.Prabhakaran, Senior Counsel,
For Mrs.J.Priscilla Pandian

For RR 1 to 5 : Mr.J.Ravindran, Additional
Advocate General, assisted by
Mrs.D.Farjana Ghousisa,
Special Government Pleader

For RR 6 to 8 : Mr.A.Albert James,
Government Advocate.

J U D G M E N T

(Judgment of the Court was made by J.NISHA BANU, J.)

Aggrieved against the direction given to the respondents 1 to 4 to take immediate steps to remove the arch put up by the appellant for Shree Muppidthiamman Temple in the public road, by obstructing vehicle movements



W.A.(MD)No.81 of 2025

and the general public movement in the Government land, classified as Natham Road, within a period of four weeks from the date of receipt of a copy of the order dated 05.12.2024 made in W.P.(MD) No.635 of 2023, the aggrieved petitioner has preferred the present writ appeal.

2. Heard Mr.S.Prabhakaran, learned Senior Counsel, for Mrs.J.Priscilla Pandian, learned counsel for the appellant, Mr.J.Ravindran, Additional learned Advocate General, assisted by Mrs.D.Farjana Ghousisa, learned Special Government Pleader appearing for respondents 1 to 5 and Mr.A.Albert James, learned Government Advocate appearing for respondents 6 to 8 and perused the materials placed before this Court.

3. Pursuant to the order passed by this Court in W.P.(MD) No.635 of 2023 dated 05.12.2024, the learned Special Government Pleader appearing for respondents 1 to 5 submitted that notice under Section 7 of the Land Encroachment Act has been issued to the appellant, calling on the appellant to show cause why proceedings should not be initiated in consonance with the order passed by this Court.



W.A.(MD)No.81 of 2025

WEB COPY

4. In view of the submissions made by the learned Special Government Pleader, this Court directs the appellant to file appropriate reply to the notice issued by the respondents under Section 7 of the Act, within a period of four(04) weeks from the date of receipt of a copy of this order and based on that reply, the concerned Authority may pass orders under Section 6 of the Act, within a period of four(04) weeks from the date of receipt of a copy of the reply given by the appellant.

5. If at all, the appellant feels aggrieved by the order passed by the Authorities, he is always at liberty to file an appeal under Section 10 of the Act before the Appellate Authority, which shall be disposed of by the Appellate Authority within a period of twelve (12) weeks thereafter. It is made clear that the appellant is also having provisions for filing stay under Section 10 B of the said Act, and hence, it is for the appellant to proceed in the manner known to law.

6. Furthermore, this Court would insist that the concerned Appellate Authority shall consider the request made by the appellant, uninfluenced by the previous orders passed by the learned Single Judge of this Court. Meanwhile, the learned Additional Advocate General appearing for the official respondents



W.A.(MD)No.81 of 2025

assured that there will be no threat of removing the subject arch, till the disposal of such appeal filed by the appellant.

7. Accordingly, the Writ Appeal stands disposed of. No costs.

Consequently, connected miscellaneous petition is also closed.

(J.N.B.,J.) (S.S.Y.,J.)
17.03.2025

Index : Yes/No
Internet : Yes/No
sts

To:

- 1) The District Collector,
The Collectorate Office,
Tenkasi District.
- 2) The Revenue Divisional Officer,
Revenue Divisional Office,
Tenkasi District.
- 3) The Block Development Officer,
Block Development Office,
Keelapaavoor,
Tenkasi District
- 4) The Tashildar,
Taluk Office,
Tenkasi District.



WEB COPY



W.A.(MD)No.81 of 2025

J. NISHA BANU, J.
and
S.SRIMATHY, J.

sts

- 5) The Assistant Director of Panchayat Union,
Office of the Assistant Director of Panchayat Union,
Tenkasi District.
- 6) The Superintendent of Police,
Tenkasi District.
- 7) The Deputy Superintendent of Police,
Office of Deputy Superintendent of Police,
Tenkasi District.
- 8) The Inspector of Police,
Paavoor Chathiram Police Station,
Tenkasi District.

Judgment made in
W.A.(MD)No.81 of 2025

Dated:
17.03.2025