



WP(MD). No.1108 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.01.2025

CORAM

THE HONOURABLE MR.JUSTICE M.S. RAMESH
AND
THE HONOURABLE Dr.JUSTICE A.D.MARIA CLETE

**WP(MD). No.1108 of 2025 and
WMP(MD) Nos.745 and 746 of 2025**

J. Mubarak

... Petitioner

Vs

**The Revenue Tahsildar,
Taluk Office,
Manapparai,
Trichy District..**

... Respondent

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to call for the records relating to the impugned order passed by the respondent in his proceedings in Na.Ka.A2/7050/2023 dated 30.12.2024 and quash the same as illegal.

**For Petitioner : Mr.C.Venkatesh Kumar for
M/s.Ajmal Associates**
**For Respondent : Mr.J.Ashok
Addl. Government Pleader**



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ORDER

(Order of the Court was made by M.S.RAMESH, J.)

By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

2. This writ petition has been filed challenging the impugned order of the respondent dated 30.12.2024.

3. Admittedly the respondent has issued a show cause notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 (hereinafter referred to as 'the Act') on 24.08.2024, which was followed by an eviction order under Section 6 on 10.09.2024. No appeal has been preferred by the petitioner as against the final eviction order. In the present writ petition, the consequential final notice for eviction has been challenged.

4. In the affidavit filed in support of the writ petition, the petitioner herein had given an undertaking that he would remove the encroachment



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on his own in the following manner:

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“In fact, the said bathroom was constructed much earlier and it has been existence of more than 30 years. If the same is sought to be removed, it would cause much hindrance and it may also cause damage to our dwelling house. Hence, I requires 90 days of time, to set the things right and remove the encroachment on my own. In fact, it is a Natham land and we have been using the same more than 30 years. If we provide with 90 days time, we would rectify everything.”

5. In the light of the undertaking given, the petitioner is directed to remove the encroachment on or before 04.04.2025. Till such time, no coercive action shall be taken for removal of the encroachment.

6. With the above direction, the writ petition stands disposed of.
No costs. Consequently connected Miscellaneous Petitions are closed.

[M.S.R.,J]

[A.D.M.C.,J]

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NCC : Yes/No

Index : Yes/No

RR

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RR

ORDER
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