



**WP(MD). No.2185 of 2025**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**WEB COPY**

**DATED : 28.01.2025**

**CORAM**

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

**WP(MD). No.2185 of 2025 and  
WMP(MD) No.1567 of 2025**

**Kandasamy**

**... Petitioner**

**Vs**

**1. The District Collector,  
Karur District, Karur..**

**2. The Tahsildar,  
Pugalur Taluk,  
Pugalur, Karur District.**

**... Respondents**

**PRAYER :-** Writ Petition filed under Article 226 of Constitution of India, praying this Court to issue of Writ of Certiorari to call for the records pertaining to the impugned order passed by the 2<sup>nd</sup> respondent vide his proceedings in na.Ka.A1/249/2022 dated 07.01.2025 and quash the same as illegal and ultra-vires.

**For Petitioner : Mr.L.Prabakaran**  
**For Respondent : MrS.Shaji Bino**  
**Spl. Government Pleader**



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**ORDER**

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

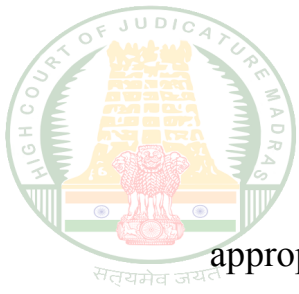
By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

2.Challenging the impugned notice of the 2<sup>nd</sup> respondent dated 07.01.2025, the petitioner is before this Court.

3.After issuance of a notice under Section 7 of 'the Tamil Nadu Land Encroachment Act, 1905' (hereinafter referred to as 'the Act') dated 17.12.2024, calling for the petitioner's objections, proposed action of removing of the encroachment, an order under Section 6 of the Act dated 07.01.2025 has been issued.

4.As against an order of eviction passed under Section 6 of the Act, an appeal remedy is provided for under Section 10 of the Act to the District Collector.

5. When the Act provides for an effective appeal remedy before the District Collector against order under Section 6, it would not be



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appropriate to entertain the present writ petition, which challenges the Section 6 notice. Hence, we are of the view that an opportunity can be given to the petitioner to avail the statutory remedy and protect his possession till such time.

6.In the light of the above observation, the petitioner is granted liberty to file an appeal before the first respondent District Collector under Section 10 of the Act within a period of one week from the date of receipt of a copy of this order. Till such time, the respondents shall not take any coercive action to disturb the petitioner's possession over the subject land.

7.Accordingly, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

**[M.S.R.,J]**

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

**28.01.2025**

**NCC : Yes/No**  
**Index : Yes/No**  
**RR**

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Pugalur, Karur District.



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**M.S. RAMESH, J.**  
**AND**  
**A.D.MARIA CLETE, J.**

RR

ORDER  
IN  
WP(MD) No.2185 of 2025

Date : 28.01.2025