



WP(MD). No.2265 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 28.01.2025

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

**WP(MD). No.2265 of 2025
and WMP(MD) No.1625 of 2025**

Serman

... Petitioner

Vs

**The Tashildar,
Ottapidaram Taluk,
Thoothukudi District..**

... Respondent

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned eviction notice in Na.Ka.A3/307/2024 dated 03.01.2025 passed by the respondent and quash the same as illegal and consequently direct the respondent not to interfere with the petitioners peaceful possession in S.No.171 situated at Vellaram Village Ottapidaram Taluk, Thoothukudi District.

For Petitioner : Mr.V.Sasikumar
For Respondent : Mr.S.R.A.Ramachandran for R1 to R3
Additional 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. The petitioner has filed this writ petition challenging the impugned notice of the respondent dated 03.01.2025.

3. After issuance of a notice under Section 7 of 'the Tamil Nadu Land Encroachment Act, 1905' (hereinafter referred to as 'the Act') dated 11.09.2024, calling for the petitioner's objections, proposed action of removing of the encroachment, an order under Section 6 of the Act dated 03.01.2025 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.



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5. When the Act provides for an effective appeal remedy before the District Collector against order under Section 6, it would not be 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 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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M.S. RAMESH, J.
AND
A.D.MARIA CLETE, J.

RR

To
The Tashildar,
Ottapidaram Taluk,
Thoothukudi District..

ORDER
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