



W.P.(MD)No.2556 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:30.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.2556 of 2025

and

W.M.P.(MD)No.1805 of 2025

Vignesh

: Petitioner

Vs.

1.The District Collector,
District Collectorate Office,
Madurai District.

2.The Thasildar,
Peraiyur Taluk,
Madurai District.

3.The Revenue Inspector,
Athipatti Firka,
Peraiyur Taluk,
Madurai District.

4.Muthukonappan



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5.Sudhadevi

: Respondents

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorari, to call for the records of impugned order passed by the second respondent dated 10.01.2025 and quash the same.

For Petitioner : Mr.V.S.Ariharasudhan

For Respondents 1 to 3 : Mr.S.Shaji Bino

Special Government Pleader

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.Challenging the impugned notice of the 2nd respondent dated 10.01.2025, 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 21.05.2024, calling for the petitioner's objections, proposed action of



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removing of the encroachment, an order under Section 6 of the Act dated 20.09.2024, 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 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 [1] 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.



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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.]

30.01.2025

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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M.S.RAMESH, J.

and

A.D.MARIA CLETE, J.

MR

ORDER MADE IN

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30.01.2025