



W.P.(MD) No.7175 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.03.2025

CORAM:

THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

AND

THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

W.P.(MD)No.7175 of 2025

and

W.M.P.(MD)No.5433 of 2025

Perumal

... Petitioner

-Vs-

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Revenue Divisional Officer,
Sivakasi, Virudhunagar District.

3.The Tahsildar,
Taluk Office, Srivilliputhur Taluk,
Virudhunagar District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the 3rd respondents in Na.Ka.A1/2765/2024 dated 06.03.2025 and to quash the same as arbitrary and illegal.



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For Petitioner : Mr.M.Thirunavukkarasu

For Respondents : Mr.P.Thilak Kumar,
Government Pleader

ORDER

[Order of the Court was made by ***J.NISHA BANU, J.***]

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2.The order of the 3rd respondent dated 06.03.2025 passed under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 (hereinafter referred to as 'the Act') is under challenge in this Writ Petition.

3.The learned counsel appearing for the petitioner would submit that the petitioner is running a tea stall in S.No.854, to an extent of 0.0016.0 sq.mt (171.2 sq.ft) situated at Pillayarkulam Revenue Village, Srivilliputhur Taluk. The said land is classified as Malai Poramboke in the revenue records. While being so, the 3rd respondent has issued a notice under Section 7 of the Act on 06.12.2024, for which, the petitioner has submitted his explanation on 24.012.2024, wherein he has also sought for personal hearing to establish his case by producing all the



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relevant records. However, without considering the same, the 3rd respondent has now passed the impugned order.

4.A perusal of the records shows that though the petitioner has specifically asked for personal hearing, without affording the same, the 3rd respondent has passed the impugned order. Therefore, the same is liable to be set aside, accordingly, it is set aside. The petitioner is directed to appear before the 3rd respondent along with all the relevant records on 27.03.2025. On such appearance, the 3rd respondent is directed to conduct an enquiry and based on the records pass appropriate orders within a period of two weeks thereafter.

5.With the above direction, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

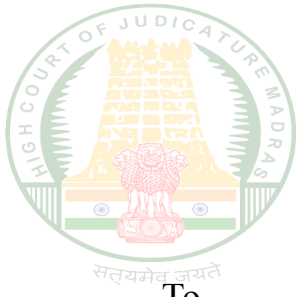
[J.N.B., J.] & [S.S.Y., J.]
17.03.2025

NCC : Yes / No
Index : Yes / No

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Note: Issue Order copy by today (17.03.2025) itself.

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