



W.P.(MD)No.8340 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 26.03.2025

CORAM:

**THE HON'BLE MRS JUSTICE J. NISHA BANU
AND
THE HON'BLE MRS JUSTICE S.SRIMATHY**

W.P.(MD)No.8340 of 2025
and
W.M.P.(MD)No.6240 of 2025

C.Kamatchi

...Petitioner

-Vs-

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The District Revenue Officer,
Pudukkottai District,
Pudukkottai.

3.The Revenue Divisional Officer,
Aranthangi,
Pudukkottai District.

4.The Tahsildar,
Avudayarkovil Taluk,
Pudukkottai District.

5.The Revenue Inspector,
Ponpethi Revenue Circle,
Avudayarkovil Taluk,
Pudukkottai District.

...Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records relating to the impugned notice issued by the 5th respondent to the petitioner dated 03.03.2025 and quash the same as illegal and arbitrary.

For Petitioner : Mr.R.Sevugaraja
For Respondents : Mr.J.Ashok,
Additional Government Pleader

ORDER

(Order of the Court was made by **J.NISHA BANU, J.**)

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

2.This writ petition is filed challenging the show cause notice issued by the fifth respondent.

3. According to the learned counsel for the petitioner, the vacant land in survey No.140/1 measuring an extent of 1.41.5 hectare situated at Kumulur Village, Avudayarkovil Taluk, Pudukkottai was entrusted to the petitioner by the Tahsildar of Avudayarkovil Taluk through proceedings in e.g.4/26-30/1404/m4 dated 31.12.1994, sub diving the same as survey Nos.140/1, 140/11, 140/12, 140/13 and 140/14 and each sub-divided survey numbers, carrying 0-24.50 acre extent of land, wherein the petitioner is in possession and enjoyment of land in Survey No.140/11.



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WEB COPY 4. While being so, in the year 2019, when the adjacent land owners tried to encroach the land of the petitioner, the petitioner conducted survey of his land. Aggrieved by the said act of conducting survey, one Ajaykumar, who is in no way connected with the village, with previous enmity, has sent a petition to the third respondent to cancel the assignment of pattas for the petitioner and few other patta holders. The third respondent, in turn, cancelled the assignment pattas vide proceedings in Pa.Mu.3308/2022/A1 dated 27.01.2025. Against the same, an appeal was filed by the petitioner along with three other patta holders on 27.02.2025 before the 2nd respondent and the same is still pending.

5. The main grievance of the petitioner is that the fifth respondent, all of a sudden, has issued the impugned show cause notice, dated 03.03.2025, under Section 7 of the Land Encroachment Act to the petitioner. It is the further contention of the petitioner that the fourth respondent is stressing the petitioner to vacate the property without assigning any valid reasons when the appeal filed by the petitioner on 27.02.2025 is still pending. Left with no other option, the petitioner is before this Court with the present writ petition seeking to quash the impugned order passed by the fifth respondent.

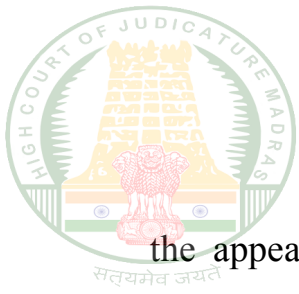


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6. The learned Additional Government Pleader appearing for the respondents produced the proceedings issued by the fourth respondent in Na.Ka.No.187/2025/A5 dated 24.03.2025, whereby it is stated that in the land which was earlier assigned to the petitioner, since no agricultural activity was found to take place at the time of inspection, the assignment pattas were cancelled vide proceedings in Pa.Mu.3308/2022/A1 dated 27.01.2025 and a notice under Section 7 of the Act was issued for removing the encroachment made in the subject land. The learned Additional Government Pleader also submitted the photographs depicting the removal of encroachments made by the petitioner and some of other encroachers and therefore, prayed for dismissing the writ petition.

7. Heard the learned counsel for the petitioner as well as the learned Additional Government Pleader appearing for the respondents and perused the materials placed before this Court.

8. It is seen from the records that an appeal has been filed by the petitioner on 27.02.2025 against the cancellation of assignment patta and the same is pending. When that being the case, the impugned notice of encroachment issued by the fifth respondent does not have any bearing on the petitioner until



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the appeal against the cancellation of assignment patta is disposed of by the appellate authority. Moreover, the photographs submitted by the learned Additional Government Pleader shows the petitioner has created shed by using iron rods and asbestos sheet and using the same for storing agricultural materials. That being the case, the same cannot be treated as encroachment made by the petitioner.

9. In view of the above facts and circumstances of the case, this Court directs the appellate authority to dispose of the appeal filed by the petitioner as expeditiously as possible. Thus, the petitioner is permitted to carry out agricultural activities in the subject land and the same shall not be treated as encroachment by the respondents until the disposal of the appeal by the Appellate Authority. With these observations and directions, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition stands closed.

(J.N.B.,J.) (S.S.Y.,J.)
26.03.2025

Index : Yes/No
Internet : Yes/No
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