



W.P(MD)No.10958 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2025

CORAM:

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.P(MD)No.10958 of 2025
and W.M.P(MD)Nos.8168, 8169 & 8170 of 2025**

Nehru

... Petitioner

vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.

3.The Tahsildar,
Ilayangudi Taluk Office,
Ilayangudi,
Sivagangai District.

4.V.Shanmugam
5.Bhuvaneswari

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India
praying for issuance of a Writ of Certiorarified Mandamus, to call for the entire



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records in relating to the impugned order of the third respondent made in RF.XIV.O-1.2 26 206-MDU dated 04.04.2025 and to quash the same and consequently to forbear the respondents 1 to 3 from evicting the petitioner in the land in Survey No.379/5 to an extent of 0.0071 square meters situated in Sathanur Village, Ilayangudi Taluk, Sivagangai District.

For Petitioner	: Mr.M.S.Jeyakarthik
For RR 1 to 3	: Mr.M.Sarangan Additional Government Pleader
For RR 4 & 5	: Mr.T.Veerakumar

ORDER

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

Challenging the eviction notice issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, by the third respondent dated 04.04.2025, this Writ Petition has been filed.

2. Learned counsel for the petitioner would state that prior to the issuance of the impugned eviction notice, show cause notice under Section 7 of the Act was issued on 30.01.2025, for which, the petitioner submitted his explanation/objection dated 12.02.2025. However, without considering the same, the impugned eviction notice has been issued.



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3. The very object of Section 7 of the Act is to extend an opportunity to the encroachers to give their objections with regard to the proposed eviction proceedings. It is only after such a notice under Section 7 of the Act is given, the official respondents may be empowered to proceed under Section 6. However, while passing such order, there is a duty cast upon them to consider the explanation rendered by the encroachers to the notice given under Section 7.

4. A perusal of the order passed under Section 6 of the Act, dated 04.04.2025 does not reveal about the consideration of the explanation/objection submitted by the petitioner. We fail to understand as to how the official respondents had come to the conclusion that the petitioner is an encroacher, more particularly, when he has raised objections to the proposed eviction proceedings.

5. In view of the same, the order impugned in the writ petition is deemed to be a non speaking order and hence, cannot be legally sustained. Hence, the impugned order dated 04.04.2025 is quashed and the official respondents are directed to consider the petitioner's explanation dated 12.02.2025



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and thereafter take further course of action in accordance with the provisions of the Act and pass a speaking order. Such an exercise shall be completed, within a period of four weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

[J.N.B.,J.] & [S.S.Y.,J.]
28.04.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
bala/ps

To

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The Revenue Divisional Officer,
Sivagangai, Sivagangai District.
- 3.The Tahsildar,
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Ilayangudi,
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and
S.SRIMATHY, J.

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ORDER MADE IN
W.P(MD)No.10958 of 2025

DATED : 28.04.2025