



W.P(MD)No.11040 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2025

CORAM:

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

**W.P(MD)No.11040 of 2025
and W.M.P(MD)No.8236 of 2025**

Mydheen Pitchai

... Petitioner

vs.

The Tahsildar,
Tenkasi,
Tenkasi District.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for the records pertaining to the impugned order passed by the respondent herein under Section 7 of the Act III of 1905 in TKSTLK/384/2022-B1 dated 01.04.2025 and consequent order passed under Section 6 of Act III of 1905 in TKSTLK/384/2022-B2 dated 04.04.2025 and quash the same.



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For Petitioner : Mr.M.Murugan

For Respondent : Mr.S.S.Madhavan
Additional Government Pleader

ORDER

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

Challenging the eviction notice issued by the respondent dated 04.04.2025, this Writ Petition has been filed.

2.According to the learned counsel appearing for the petitioner, on 21.01.2025, he received a notice from the Revenue Inspector, Kadaiyam Firka, Tenskasi District under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 (in short hereinafter referred to as 'the Act, 1905'), for which, the petitioner submitted his objection on 27.01.2025.

3.The main grievance of the petitioner is that the respondent, without considering the reply submitted by the petitioner, has passed the impugned order under Section 7 of the Act, 1905 in TKSTLK/384/2022-B1 dated 01.04.2025 and consequent order under Section 6 of the Act, 1905 in TKSTLK/384/2022-B1



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WEB COPY dated 04.04.2025. Aggrieved against the same, the petitioner has preferred the present Writ Petition.

4.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondent.

5.Perusal of the impugned order further transpires that the petitioner has not produced any valid documents in order to substantiate the claims made by him in the objections filed in reply to the Section 7 notice of the respondent. Not being satisfied with the reply filed by the petitioner, the respondent has rejected the objections filed by the petitioner and issued the impugned notice dated 04.04.2025, which this Court finds no fault with.

6.As against the impugned eviction notice, an appellate remedy is provided under Section 10 of the Act, 1905, before the District Collector. When the Act provides for an effective appellate remedy against an eviction notice under Section 6, it would not be appropriate to entertain the present Writ Petition without the petitioner exhausting that remedy.



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7.In the light of the above, we are not inclined to entertain the Writ Petition. Accordingly, this Writ Petition is dismissed with liberty to the petitioner to file an appeal and a stay application before the first respondent, the District Collector, under Section 10 and 10-B of the Act, 1905. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

[J.N.B.,J.] & [S.S.Y.,J.]
21.04.2025
(2/2)

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

To

The Tahsildar,
Tenkasi,
Tenkasi District.



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J.NISHA BANU, J.
and
S.SRIMATHY, J.

ps

ORDER MADE IN
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DATED : 21.04.2025
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