



W.P.(MD)No.11623 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 23.04.2025

CORAM:

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

W.P.(MD)No.11623 of 2025
and
W.M.P.(MD)Nos.8595 and 8596 of 2025

R.Thiruvullam

...Petitioner

-Vs-

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Tahsildar,
Aruppukottai Taluk,
Virudhunagar District.

...Respondents

PRAYER:Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.A2/387/2023 dated 22.03.2025 passed by the second respondent and impugned notice dated 03.04.2025 issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 by the second respondent and quash the same and consequently, restraining the respondents from interfering with peaceful possession and enjoyment of Adi Dravidar Uravinmuari, Kovilangulam in respect of survey No.234/3 (28 cents), situates at Kovilangulam Village, Aruppukkottai Taluk, Virudhunagar District.



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For Petitioner : Mr.B.Vinothkumar
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 admission stage itself.

2.Challenging the eviction order issued by the second respondent dated 22.03.2025, this Writ Petition has been filed.

3.A reading of the impugned order dated 22.03.2025 would go to show that this Court by an order dated 05.07.2023 in W.P.(MD)No.2558 of 2023 directed the encroacher viz., the petitioner herein to remove the encroachment and based on the undertaking affidavit to restore the land and water body as in earlier position, the writ petition was disposed of. Since the land and water bodies were not restored to original position, Form-VII dated 23.09.2023 was issued to the petitioner. However, the petitioner sought time to remove the iron wire fence and further stated that he would wait for the outcome of the review filed against the writ petition in W.P.(MD)No.2558 of 2023. Further, it is pointed out in the impugned order that till 10.10.2023, the petitioner has not produced



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any material to show that he had filed any review. Therefore, even after affording sufficient time, since the petitioner has not removed the fence and not produced any material with regard to the review petition filed by him, the request of the petitioner was rejected and order of eviction is passed.

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

5.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 appeal and stay application before the first respondent District Collector under Section 10 and 10-B of the Act. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

(J.N.B.,J.) (S.S.Y.,J.)
23.04.2025

Index : Yes/No
Internet : Yes/No
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- 2.The Tahsildar,
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