



W.P(MD)No.12408 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.12408 of 2025
and
W.M.P(MD)No.9059 of 2025**

S.Annadurai

... Petitioner

vs.

1.The Tahsildar,
Taluk Office,
Manamelkudi Taluk,
Pudukkottai District.

2.The Revenue Inspector,
O/o.The Revenue Inspector,
Kottaipattinam,
Manamelkudi Taluk,
Pudukkottai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to forbear the respondents from in anyway dispossessing the petitioner pursuant to the notice dated not known and legible issued by the second respondent (communicated to the petitioner on 15.04.2025 via., whatsapp) without passing any order under Section 6 of the



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For Petitioner : Mr.H.Mohammed Imran
For Respondents : Mr.S.S.Madhavan
Additional Government Pleader

ORDER

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

The petitioner has filed the present Writ Petition seeking a Writ of Mandamus to forbear the respondents from dispossessing the petitioner pursuant to a notice issued by the second respondent (communicated to the petitioner on 15.04.2025 via WhatsApp), without passing any order under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, and by considering the petitioner's explanation dated 22.04.2025.

2.According to the petitioner, the land comprised in Survey No.178, measuring 1 Are, situated at Kodikulam Revenue Village, Kottaipattinam, Manamelkudi Taluk, Pudukkottai District, belongs to him. The land was assigned to the petitioner by order dated 30.07.2008, and this assignment is still valid.



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However, on 15.04.2025, the second respondent circulated a notice via WhatsApp, demanding an explanation from the petitioner by 02.04.2025. Despite this, the petitioner submitted a detailed explanation on 22.04.2025. Although the petitioner's explanation remains under consideration, the respondents are proceeding with plans to demolish the petitioner's dwelling house.

3.The petitioner contends that when a notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, is issued, the respondents are obligated to issue an order under Section 6 before taking any further action. The petitioner states that this is a statutory requirement, and failing to follow these procedures, the respondents have hastily scheduled a demolition for the following week, which is improper and premature.

4.The petitioner asserts that the land in question was duly assigned to him and the assignment order remains valid. Having assigned the land, the respondents cannot now classify it as Government poramboke land. Furthermore, the classification was not clearly stated in the notice issued under Section 7 of the Tamil Nadu Land Encroachment Act. The petitioner further stated that without



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passing any order under Section 6 of the Act, the respondents attempt to remove the alleged encroachment is unlawful. Hence, this Writ Petition.

5.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents, and perused the materials available on record.

6.Upon perusal of the materials available on record, it is seen that without considering the explanation submitted by the petitioner and without passing any order under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, the second respondent is proceeding by adopting coercive measures.

7.In view of the above, the second respondent is directed to consider the explanation of the petitioner dated 22.04.2025 and pass appropriate orders on its own merits, and take further proceedings in accordance with law, after providing sufficient opportunity of personal hearing to the petitioner as well as to any other persons interested in the subject matter, within a period of six (6) weeks from the date of receipt of a copy of this order. Till such time, the respondents are restrained from taking any coercive action.



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8.With the above directions, the Writ Petition stands disposed of.

There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

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

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

To

- 1.The Tahsildar,
Taluk Office,
Manamelkudi Taluk,
Pudukkottai District.
- 2.The Revenue Inspector,
O/o.The Revenue Inspector,
Kottaipattinam,
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ps

ORDER MADE IN
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