

W.P(MD)Nos.6865 of 2019,
17401 of 2020 and 12433 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**W.P(MD)Nos.6865 of 2019,
17401 of 2020 and 12433 of 2021
and
W.M.P.(MD) Nos.5471 and 5472 of 2019**

W.P.(MD) No.6865 of 2019:

C.Chellam

... Petitioner

Vs.

1.The Sub Collector,
Paramakudi,
Ramanathapuram District.

2.The Tahsildar,
Paramakudi Taluk,
Ramanathapuram District.

3.The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.

4.Sankar

5.R.Meenakshisundaram

... Respondents

***[RR4 and 5 are impleaded vide Court order
dated 09.11.2021 in W.M.P.(MD) No.16745
of 2021 in W.P.(MD) No.6865 of 2019]***



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the notice of the 1st respondent issued by him in Na.Ka.P2/9926/2018 signed on 26.02.2019 insofar as Paramakudi Vaniar Uravin Muraiyalarkalin Pothu Sabai is concerned and quash the same and consequently direct the respondents not to interfere into the petitioner's peaceful possession and enjoyment on the properties of the petitioner's Podhu Sabai situated at G.R.No.1/330 (presently Town Survey No.107, Block 19, ward H), measuring to the extent of 1.72 acres out of the entire extent of 3.67 acres at Kattuparamakudi Village, Ramanathapuram District.

For Petitioner	:	Mr.R.Kannan for Mr.R.Anand
For RR1 & 2	:	Mr.P.Thilakkumar Government Pleader
For R3	:	Mr.T.Senthilkumar Additional Public Prosecutor
For RR4 & 5	:	Mr.H.Arumugam

W.P.(MD) No.17401 of 2020:

M.Irulan

... Petitioner

Vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.



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2.The Sub Collector,
Paramakudi,
Ramanathapuram District.

3.The Commissioner,
Paramakudi Municipality,
Paramakudi, Ramanathapuram District.

4.The Executive Engineer,
P.W.D., W.R.O.,
Paramakudi, Ramanathapuram District.

5.The Special Commissioner and
Commissioner of Land Administration,
Elilagam, Chepaukam, Chennai.

6.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.

7.The Tahsildar,
Paramakudi Taluk,
Paramakudi,
Ramanathapuram District.

8.Maheswaran

9.Kuppusamy

10.Arumugam

11.Siva

12.Krishnamoorthy

13.Manohararan

14.Santhi

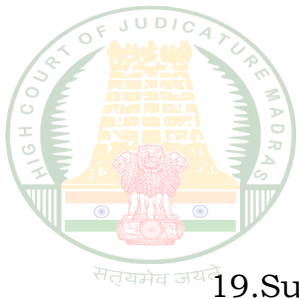
15.Mohan

16.Sankaran

17.Ramachandran

18.Senthilkumar

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19.Sundar Raj

20.Ganesan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct respondents 1 to 7 to initiate appropriate steps to remove encroachments on the “Ooranis” and “Kuttais” situated at Paramakudi Town in T.S.Nos.22/3 in Ward D, Block 1; 25/23 in Ward D, Block 3; 112 in Ward E, Block 1; 158 in Ward E, Block 1; 165 in Ward E, Block 1; 15/15 in Ward E, Block 5; 74 in Ward F, Block 4; 34 in Ward G, Block 6; 1 in Ward G, Block 17; 1 in Ward G, Block 26; 3 in Ward G, Block 26; 48 in Ward G, Block 27; 119 in ward G, Block 33; 24 in Ward H, Block 18; 107 in Ward H, Block 19; 13/1 in Ward C, Block 3; and 17 in Ward C, Block 4 and restore them with their original capacity within a time frame that may be stipulated by this Court.

For Petitioner : Mr.B.S.Meltiue

For RR1, 2 & 4 to 7: Mr.P.Thilakkumar
Government Pleader

For R3 : Mr.M.Kannan

W.P.(MD) No.12433 of 2021:

Paramakudi Vaniyar Uravin Murai Podhu Sabai,
Reg.No.30/1971,
Rep., by its Secretary,
C.Chellam

... Petitioner

Vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

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2.The Superintendent of Police,
Ramanathapuram District.

3.The Tahsildar,
Paramakudi Taluk,
Ramanathapuram District.

4.The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.

4.Sankar

5.R.Meenakshisundaram

... Respondents

**[RR4 and 5 are impleaded vide Court
order dated 09.11.2021 in W.M.P.(MD) No.
11527 of 2021 in W.P.(MD) No.12433 of
2021]**

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the third respondent not to interfere into the petitioner's right of protecting its properties under the guise of exercising his powers.

For Petitioner	:	Mr.R.Kannan for Mr.R.Anand
For RR1 & 3	:	Mr.P.Thilakkumar Government Pleader
For RR2 & 4	:	Mr.T.Senthilkumar Additional Public Prosecutor
For RR5 & 6	:	Mr.H.Arumugam



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COMMON ORDER

[Order of the Court was made by S.M.SUBRAMANIAM, J.]

1.1. W.P.(MD) No.6865 of 2019 has been instituted challenging the notice of the first respondent in Na.Ka.P2/9926/2018 (signed on 26.02.2019) issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 (hereinafter referred to as “the Act”).

1.2. No writ petition against a show cause notice is maintainable and the petitioner is expected to submit his explanation in response to the notice. After considering the explanations, if any, submitted, the first respondent shall issue final notice under Section 6 of the Act.

1.3. It is brought to the notice of this Court that in view of the interim order granted by this Court in W.M.P.(MD) No.5472 of 2019 in W.P.(MD) No.6865 of 2019, enforcement actions are stopped.

2.1. W.P.(MD) No.17401 of 2020 has been filed by one Irulan seeking removal of encroachments in the subject property.



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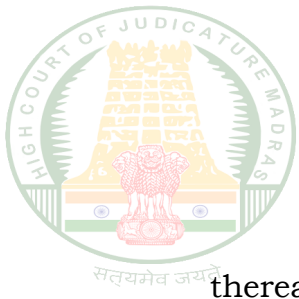
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2.2. The said writ petition is also kept pending due to the pendency of the interim order granted in W.M.P.(MD) No.5472 of 2019 in W.P.(MD) No.6865 of 2019.

3. W.P.(MD) No.12433 of 2021 is filed seeking a direction upon the third respondent *viz.*, the Tahsildar, Paramakudi not to interfere into the petitioner-Sabai's right of protecting its properties under the guise of exercising his powers.

4. Since writ petition against the notice issued under Section 7 of the Act is not maintainable, W.P.(MD) No.6865 of 2019 is liable to be dismissed.

5.1. Accordingly, W.P.(MD) No.6865 of 2019 is dismissed. However, the petitioner is at liberty to submit his explanation within a period of ten days from today (29.07.2025) and on receipt of any such explanation, the first respondent shall look into the same, take a decision, continue the enforcement action and remove the encroachment, if any identified within a period of twelve weeks



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thereafter.

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5.2. In view of the order passed in W.P.(MD) No.6865 of 2019, W.P.(MD) No.12433 of 2021 is also not maintainable and the same stands dismissed.

5.3. Consequent to the orders passed in W.P.(MD) No.6865 of 2019 and 12433 of 2021, W.P.(MD) No.17401 of 2020 is disposed of.

6. In the result,

(i) W.P.(MD) Nos.6865 of 2019 and 12433 of 2021 are dismissed; and

(ii) W.P.(MD) No.17401 of 2020 is disposed of.

There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

J.]

[S.M.S., J.]

[A.D.M.C.,

29.07.2025

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

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To

- 1.The Sub Collector,
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- 2.The Tahsildar,
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- 3.The Inspector of Police,
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- 4.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 5.The Commissioner,
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Paramakudi, Ramanathapuram District.
- 6.The Executive Engineer,
P.W.D., W.R.O.,
Paramakudi, Ramanathapuram District.
- 7.The Special Commissioner and
Commissioner of Land Administration,
Elilagam, Chepaukam, Chennai.
- 8.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.
- 9.The Superintendent of Police,
Ramanathapuram District.

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S.M.SUBRAMANIAM, J.
and
DR.A.D.MARIA CLETE, J.

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