



W.P.(MD) No.12455 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.04.2025

CORAM:

THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

AND

THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

W.P.(MD)No.12455 of 2025

and

W.M.P.(MD)No.9079 of 2025

A.Balamurugan

... Petitioner

-Vs-

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Tahsildar,
Sattur Taluk, Sattur,
Virudhunagar District.

3.Velammal

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned notification in Na.Ka.A2/1043/2025, dated 22.04.2025 issued by the 2nd respondent and quash the same as illegal, arbitrary and violative of principles of natural justice and consequently, to direct the respondents to consider the petitioner's representation dated 07.04.2025 for issuance of free patta in respect of

Page 1 of 4



W.P.(MD) No.12455 of 2025

the land bearing S.No.259/38 situated at Subramaniapuram Village, Sattur Taluk, Virudhunagar District in accordance with G.O.No.540.

For Petitioner : Mr.P.Saravanakumar
For R1 & R2 : Mr.J.Ashok,
Additional Government Pleader

ORDER

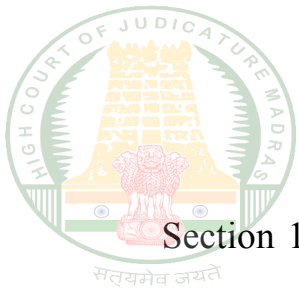
[Order of the Court was made by *J.NISHA BANU, J.*]

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2.Challenging the eviction order dated 22.04.2025 issued by the 2nd respondent, the petitioner has filed this Writ Petition with a consequential direction to the respondents 1 and 2 to consider the petitioner's representation dated 07.04.2025 for issuance of free patta in respect of the land bearing S.No. 259/38 situated at Subramaniapuram Village, Sattur Taluk, Virudhunagar District in accordance with G.O.No.540.

3.At the outset, this Court is of the view that the said order issued by the 2nd respondent under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 (hereinafter referred to as 'the Act') is appealable before the 1st respondent under

Page 2 of 4



W.P.(MD) No.12455 of 2025

Section 10 of the Act. Without exhausting the appeal remedy, the petitioner has filed this Writ Petition. Therefore, the petitioner is directed to file an appeal before the 1st respondent within a period of one week from the date of receipt of a copy of this order. On receipt of the said appeal, the 1st respondent is directed to dispose of the said appeal as well as the application already submitted by the petitioner seeking for issuance of free patta in respect of the land in question, within a period of three months thereafter. Till such time, the impugned order passed by the 2nd respondent is kept in abeyance.

4. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[J.N.B., J.] & [S.S.Y., J.]
25.04.2025

NCC : Yes / No
Index : Yes / No

Yuva

To

1. The District Collector,
Virudhunagar District,
Virudhunagar.

2. The Tahsildar,
Sattur Taluk, Sattur,
Virudhunagar District.

Page 3 of 4



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W.P.(MD) No.12455 of 2025

J.NISHA BANU, J.

AND

S.SRIMATHY, J.

Yuva

W.P.(MD)No.12455 of 2025

25.04.2025