



W.P.(MD) No.13374 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.04.2025

CORAM:

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

AND

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

W.P.(MD)No.13374 of 2025

and

W.M.P.(MD)No.9611 of 2025

S.Ladasanniyasi

... Petitioner

-Vs-

1.The District Collector,  
Tenkasi District.

2.The Tahsildar,  
Shencottai Taluk,  
Shencottai, Tenkasi District.

3.The Deputy Tahsildar,  
Shencottai Taluk,  
Shencottai, Tenkasi District.

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the order passed by the 2<sup>nd</sup> respondent under Section 6 of the Land Encroachment Act, 1905 dated 10.04.2025 and quash the same.



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W.P.(MD) No.13374 of 2025

For Petitioner : Mr.T.S.Mohamed Mohideen

For Respondents : Mrs.D.Farjana Ghoushia,  
Special 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.The petitioner has filed this Writ Petition, challenging the eviction order dated 10.04.2025 issued by the 2<sup>nd</sup> respondent under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 (hereinafter referred to as 'the Act').

3.The learned counsel appearing for the petitioner would submit that without considering the reply given by the petitioner to the show cause notice issued under Section 7 of the Act, the 2<sup>nd</sup> respondent has passed the impugned order. Therefore, the same is liable to be set aside.

4.Mrs.D.Farjana Ghoushia, learned Special Government Pleader, who takes notice for the respondents, submits that the present impugned order may be treated as show cause notice, for which, the petitioner once again may give his explanation and on receipt of the same, necessary orders would be passed.

**Page 2 of 5**



W.P.(MD) No.13374 of 2025

WEB COPY

5. In view of the above, the impugned eviction order dated 10.04.2025 shall be treated as show cause notice and the petitioner is directed to give his explanation / objection to the same, enclosing all the relevant materials to substantiate his claim within a period of three weeks from the date of receipt of a copy of this order. On receipt of such explanation / objection, the authority concerned is directed to consider the same and pass appropriate orders on merits and in accordance with law, after affording sufficient opportunity to the petitioner within a period of four weeks thereafter. If there is any encroachment in the place in question, the same shall be removed by the authority concerned by following due process of law.

6. 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.]**  
**30.04.2025**

NCC : Yes / No  
Index : Yes / No

*Yuva*

**Page 3 of 5**



W.P.(MD) No.13374 of 2025

WEB COPY

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**J.NISHA BANU, J.**

**AND**

**S.SRIMATHY, J.**

*Yuva*

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