



W.P(MD)No.14276 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.05.2025

CORAM:

**THE HONOURABLE MRS.JUSTICE S.SRIMATHY
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.14276 of 2025
and
W.M.P(MD)No.10496 of 2025**

M.Lakshmi

... Petitioner

vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Tahsildar,
Ilaiyangudi Taluk,
Ilaiyangudi,
Sivagangai District.

3.The Block Development Officer,
Ilaiyangudi,
Sivagangai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus forbearing the respondents from taking coercive steps in the nature of proceeding against the petitioner and her property comprised in Survey No.127/1 measuring about 3 acres 60 cents situated



W.P(MD)No.14276 of 2025

WEB COPY

at Katchathanallur Village, Ilaiyangudi Taluk, Sivagangai District under the guise of removal of encroachment pending disposal of her objections before the second respondent dated 07.10.2024.

For Petitioner : Mr.B.Prahalad Ravi
For Respondents : Mr.A.Baskaran
Additional Government Pleader

ORDER

(Order of the Court was made by S.SRIMATHY, J.)

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

2. The petitioner has filed the present Writ Petition seeking to restrain the respondents from taking coercive steps, including any proceedings against the petitioner and her property comprised in Survey No. 127/1, measuring about 3 acres and 60 cents, situated at Katchathanallur Village, Ilaiyangudi Taluk, Sivagangai District, under the guise of removal of encroachment, pending disposal of her objections submitted to the second respondent on 07.10.2024.



W.P(MD)No.14276 of 2025

WEB COPY

3. According to the petitioner, the second respondent issued a notice dated 04.10.2024 to remove the alleged encroachment under Section 7 of the Tamil Nadu Land Encroachment Act, 1905. The petitioner has submitted her objections, citing a pending civil suit in O.S.No.39 of 2022 on the file of the District Munsif Court, Ilaiyangudi.

4. According to the respondents, a notice under Section 6 of the Act was also issued. However, on instructions, the learned Additional Government Pleader appearing for the respondents submitted that no such notice under Section 6 was issued.

5. After hearing the arguments, this Court is of the considered opinion that since the petitioner has already filed a suit for declaration and injunction, the alleged encroachment cannot be acted upon at this stage. Therefore, the proceedings under the Tamil Nadu Land Encroachment Act, 1905 are kept in abeyance. The respondents are restrained from taking any action based on the impugned notice until the disposal of the suit. However, the respondents are at liberty to take appropriate action after the disposal of the suit.



W.P(MD)No.14276 of 2025

WEB COPY

6. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

[S.S.Y.,J.] & [R.V.,J.]
21.05.2025

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



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S.SRIMATHY, J.
and
R.VIJAYAKUMAR, J.

ps

ORDER MADE IN
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