



W.P(MD)No.14291 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2025

CORAM:

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

**W.P(MD)No.14291 of 2025
and
W.M.P(MD)No.10514 of 2025**

M.Sakthivel

... Petitioner

vs.

The Tahsildar,
Oddanchathiram Taluk,
Oddanchathiram,
Dindigul.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the impugned order passed by the respondent vide Na.Ka.No.486/2025/Aa3 dated 02.05.2025 in respect of the petitioner's land comprised in 764/45 and the tin shed to an extent of 0.00.41 hectare situated in Kondarangi Keeranoor @ Ko.Keeranoor, Oddanchathiram Taluk, Dindigul and to quash the same as illegal and arbitrary and without jurisdiction.

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For Petitioner : Mr.Babu.Rajendran
For Respondent : Mr.M.Sarangan
Additional Government Pleader

ORDER

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

Challenging the impugned order passed by the respondent dated 02.05.2025, the petitioner has filed the present Writ Petition.

2.Admittedly, the authorities have conducted a survey and identified the encroachments.

3.A notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 (in short hereinafter referred to as 'the Act, 1905') was issued. Meanwhile, the High Court also issued a direction to remove the encroachments vide order dated 17.12.2024 in W.P(MD)No.17695 of 2020. After affording due opportunity to the encroachers, a final notice under



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Section 6 of the Act, 1905 was issued vide proceedings dated 09.04.2025.

The authorities have issued a further notice which is unnecessary and not contemplated under the Act.

4.Once enforcement actions have commenced, the authorities are bound to follow the prescribed procedures. However, repeated issuance of notices is not contemplated under the Act which would pave way for the encroachers to increase the longevity of the enforcement proceedings.

5.In the present case, sufficient opportunities were granted to the petitioner by the original authority.

6.The learned counsel appearing for the petitioner submitted that an appeal under Section 10 of the Act, 1905 was preferred.

7.However, the mere pendency of an appeal is not a bar for the removal of encroachment unless the appellate authority granted an interim order. That being the position, the authorities are directed to conclude the



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enforcement actions, within a period of eight weeks from the date of receipt of a copy of this order.

8. With the above directions, this Writ Petition is dismissed.

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

[S.M.S.,J.] & [A.D.M.C.,J.]
28.07.2025

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



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To

The Tahsildar,
Oddanchathiram Taluk,
Oddanchathiram,
Dindigul.



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

ps

ORDER MADE IN
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DATED : 28.07.2025