



W.P(MD)No.14378 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.14378 of 2025
and
W.M.P.(MD) No.10563 of 2025**

S.Rathinavel Samy

... Petitioner

vs.

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The Revenue Divisional Officer,
The Revenue Divisional Office,
Sivagangai.
- 3.The Thasildar,
Kalayarkovil Taluk,
Sivagangai District.
- 4.K.Kamalam

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records



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relating to the impugned proceedings of 3rd respondent dated 28.02.2025 issued under Sec.7 of the Act and 08.04.2025 issued under Sec.6 of the Act in Na.Ga.No.A6/2082/2024, quash the same and consequently direct the respondents herein to correct the wrong classification of survey No.475/17 in Palkulam Village, Maravamangalam Group, Kalayarkovil Taluk, Sivagangai District as natham land after due field enquiry and usage.

For Petitioner : Mr.V.S.Kumara Guru

For R1 to R3 : Mr.A.Baskaran
Additional Government Pleader

ORDER

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

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

2.Challenging the notices issued by the third respondent dated 28.02.2025 and 08.04.2025 under Sections 7 and 6 respectively of the Tamil Nadu Land Encroachment Act, 1905, (*in short hereinafter referred to as 'the Act'*), this Writ Petition has been filed.



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3.The impugned notice dated 28.02.2025 is one issued under Section 7 of the Act. It is in the nature of a show cause notice, calling upon the recipient to submit his explanation as to why further action under Section 6 of the Act, should not be initiated against him.

4.It is a settled proposition of law that this Court, exercising its power under Article 226 of the Constitution of India, will not venture to interfere with a show cause notice, except under few exceptions. The grounds raised in the present writ petition do not fall under any of these exceptions.

5.The learned counsel appearing for the petitioner submits that the petitioner has already filed an appeal before the first respondent/the District Collector. He further submits that it is a Natham land and therefore, the third respondent does not have any power to evict the petitioner.

6.The said submission may be submitted before the appellate authority/the District Collector. The first respondent/the District Collector, Sivagangai, shall



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consider the appeal filed by the petitioner on its own merits and pass appropriate orders in accordance with law, after giving sufficient opportunity of hearing to the petitioner as well as any other persons, who are interested in the subject matter, within a period of eight weeks from the date of receipt of a copy of this order. Till such time, the respondents are restrained from taking any further action.

7. With the above direction, the Writ Petition stands disposed of. No costs.
Consequently, connected Miscellaneous Petition is closed.

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

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

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To

1. The District Collector,
Sivagangai District,
Sivagangai.
2. The Revenue Divisional Officer,
The Revenue Divisional Office, Sivagangai.

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3.The Thasildar,
Kalayarkovil Taluk,
Sivagangai District.



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

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ORDER MADE IN
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DATED : 21.05.2025