



W.P.(MD)No.15351 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.15351 of 2025

and

W.M.P.(MD)No.11599 & 11601 of 2025

- 1.K.A.M.Mohammed Sha
- 2.K.A.M.Nawab Ali
- 3.K.A.M.Ahamed Taj
- 4.K.A.M.Saleema

Rep., by their Power of Attorney,
V.Seenipandi

... Petitioners

Vs.

1. The District Collector,
Tirunelveli District.

2. The Tahsildhar,
Palayamkottai Taluk,
Tirunelveli District.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned order dated 30.05.2025 passed by the 2nd respondent vide Na.Ka. Aa6/13/2025 and quash the same as illegal.



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For Petitioners : Mr.M.Karthikeya Venkitachalapathy

For Respondents : Mr.S.P.Maharajan

Special Government Pleader

ORDER

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

The notice dated 30.05.2025 for removal of the encroachment issued by the Tahsildar, Palayamkottai Taluk, Tirunelveli District / 2nd respondent is under challenge in this Writ Petition.

2.The learned counsel appearing for the petitioners states that the petitioners are in possession and enjoyment of the subject property described in the Writ proceedings. The subject land falls under the proceedings of the Tamil Nadu Urban Land (C&R) Act, 1978. Therefore, the petitioners cannot be evicted.

3.Such a ground cannot be adjudicated in the Writ proceedings, since the authorities found that the subject land is a public property. If at all the petitioners



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possess any document or evidence, they are at liberty to place the same before the competent authority to establish their right, ownership or title.

4.A perusal of the impugned notice reveals that the authorities have decided to evict the petitioners from the subject property on 02.06.2025. However, the present Writ Petition has been filed on that date ie., on 02.06.2025. It is not made clear that as to whether the petitioners have already evicted or not.

5.May that as it be, the impugned notice dated 30.05.2025 shall be treated as show cause notice for all purposes under the provisions of the Tamil Nadu Land Encroachment Act, 1905. The petitioners are at liberty to submit their explanations along with documents if any to the respondents within a period of ten (10) days from today. On receipt of such explanations if any from the petitioners, the respondents shall proceed with the enforcement action and thereafter, evict the encroachers by following further proceedings as contemplated under the Act. The entire exercise is directed to be completed within a period of eight (8) weeks from the date of receipt of a copy of this order.



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6. With the above direction, this Writ Petition is disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

(S.M.S., J.) & (A.D.M.C., J.)

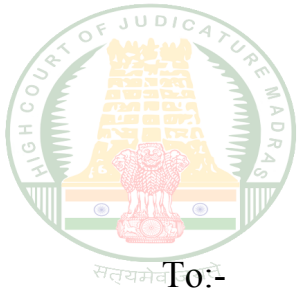
06.06.2025

(2/2)

NCC : Yes / No

Index : Yes / No

Yuva



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To:-

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Tirunelveli District.
2. The Tahsildhar,
Palayamkottai Taluk,
Tirunelveli District.



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AND

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