



W.P.(MD)No.16539 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.09.2025

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

W.P.(MD)No.16539 of 2025

and

W.M.P.(MD)No.12564 of 2025

Sri Vaisnavi Trust,
represented by its Managing Trustee,
K.Venkatasubramanian,
No.28, Koothanur Village,
Thirulogi P.O.,
Thiruvudaimaruthur Taluk,
Thanjavur District.

... Petitioner

/Vs./

- 1.The District Collector,
Thanjavur District,
Thanjavur.
- 2.The District Revenue Officer,
Thanjavur District,
Thanjavur.
- 3.The Tahsildar,
Thiruvudaimaruthur Taluk,
Thiruvudaimaruthur,
Thanjavur District.

... Respondents



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PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned communication of the first respondent in the proceedings in Na.ka.H.3/25276/2025 dated 25.05.2025 and to quash the same as illegal and consequently direct the first respondent herein to defer all the proceedings under Tamil Nadu Land Encroachment Act, 1905 till a decision is taken by the first respondent on the application dated 10.12.2024 submitted by the petitioner Trust under Order RSO-26A for exchanging of land in lieu of Vaikkal and Pattakanni.

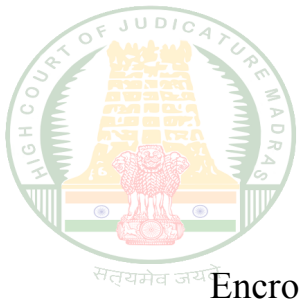
For Petitioner : Mr.D.Srinivasaragavan
For R1 to R3 : Mr.Veera Karthiravan
Additional Advocate General
assisted by Mr.S.P.Mahararajan
Special Government Pleader

ORDER

(Order of the Court was made by **DR.ANITA SUMANTH, J.**)

Challenge is to an order dated 25.05.2025 that has been passed by the District Collector/R1.

2.At the time of admission, the petitioner raised the contention that the impugned order passed under Section 10 of the Tamil Nadu Land



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Encroachment Act (in short 'Act'), ought to have been passed only by the Collector.

3.In the present case, learned Additional Advocate General would submit that the enquiry that preceded the passing of the impugned order, was by the District Revenue Officer as no Collector had been assigned to the post. After the conduct of enquiry by the District Revenue Officer, final orders have been passed by the Collector.

4.We are of the considered view that the authority, who passes the order, should have himself conducted the enquiry, particularly the personal hearing of the appellant. It would not suffice that the enquiry is conducted by an alternate authority and the competent authority merely passes final orders. In fact, that would be a travesty of the procedure for adjudication.

5.For the aforesaid reasons, the impugned order is set aside and the appeal is restored to the file of the District Collector. The petitioner



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is directed to appear before the first respondent/District Collector on 16.09.2025 at 11.00 a.m.. The availability and convenience of the District Collector has been ascertained. The appeal shall be heard and orders passed on the appeal within a period of three weeks ie., by 07.10.2025. If the petitioner fails to appear, the District Collector is at liberty to pass orders ex-parte on the basis of the available records. No costs. Consequently, connected miscellaneous petition is closed.

[A.S.M.J.] & [C.K.J.]
09.09.2025

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