



W.P.(MD)No.21101 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.21101 of 2025

and

W.M.P.(MD)No.16321 of 2025

- 1.V.Magalingam
- 2.Prakash
- 3.Suresh
- 4.Periasamy

... Petitioners

-Vs-

- 1.State of Tamil Nadu,
rep.by District Collector,
Tiruchirapalli District,
Collectorate, Tiruchirapalli-1.
- 2.The Tahsildar,
Musiri Taluk, Taluk Office,
Tiruchirapalli.
- 3.The Executive Officer,
Mettupalayam Town Panchayat,
Musiri Taluk, Tiruchirapalli District.



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4. The Revenue Inspector,
Thathayangarpettai Division ,
Musiri Taluk, Tiruchirapalli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the 4th respondent issued on 10.07.2025 to 12 persons listed in the notice under section 7 of Tamil Nadu Land Encroachment Act, quash the same and consequently, directing the respondents to close down the issue as unimportant or unnecessary compared to the material circumstances involved.

For Petitioners : Mr.S.K.Mani

For R1, R2 & R4 : Mr.M.Sarangan,

Additional Government Pleader

For R3 : Mr.J.Ashok,

Additional Government Pleader

ORDER

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

The Writ on hand has been instituted, challenging the notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 (hereinafter referred to as 'the Act').



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2.No Writ against the show cause notice is maintainable, unless such notice has been issued by an incompetent authority having no jurisdiction or tainted with the allegation of *mala fide*. In the present case, the authorities competent conducted survey and identified the encroachment on the street. Thus, the impugned notice was issued. The petitioners are at liberty to submit their explanation to the authorities competent, who in turn, on receipt of such explanation, shall look into the same, take a final decision, issue final notice under Section 6 of the Act and thereafter, complete the enforcement action by removing the encroachment for the benefit of the public at large and for free usage of street by the people of that locality. The said exercise is directed to be completed within a period of eight (8) weeks from the date of receipt of a copy of this order.

3.With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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

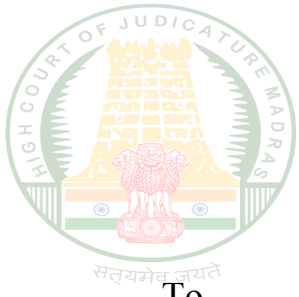
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NCC : Yes / No

Index : Yes / No

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