



W.P.(MD)No.21213 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 07.08.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.21213 of 2025
and
W.M.P.(MD)No.16375 of 2025

Eswari

... Petitioner

Vs.

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.**
- 2.The Tahsildar,
Sivakasi Taluk,
Virudhunagar District.**
- 3.The Secretary,
Mamsapuram Village Panchayat,
Sivakasi Taluk,
Virudhunagar District.**
- 4.Murugan**

... Respondents



W.P.(MD)No.21213 of 2025

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent in his proceedings in Na.Ka. A1/401/2018 dated 22.07.2025 and quash the same as illegal, violation of Principles of Natural Justice, without jurisdiction and further direct the 1st respondent to consider the representation dated 16.07.2025 within the stipulated time.

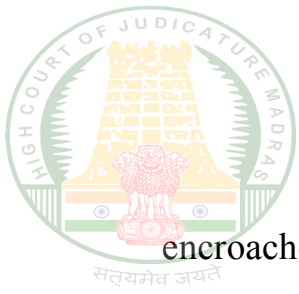
For Petitioner :Mr.M.Jothi Basu

For Respondents :Mr.A.Kannan
Additional Government Pleader
for R1 to R3

ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader for R1 to R3.

2. The fourth respondent herein filed W.P.(MD)No.31241 of 2024 seeking removal of the encroachments in Kaliamman temple in Duraisampuram Village. The writ petition was disposed of on 03.01.2025 by directing the authorities to conduct survey and remove the encroachments. We also directed the authorities to adhere to due process of law. Acting in compliance with the directions of this Court, notice was issued to the



W.P.(MD)No.21213 of 2025

encroachers and survey was conducted in their presence. Since encroachments were noticed, action was taken under the Land Encroachment Act. Notice under Section 7 of the Act was issued. Enquiry was conducted. The objections of the petitioner were overruled. Thereafter, the impugned order under Section 6 of the Act came to be passed. Challenging the same, this writ petition has been filed.

3. The petitioner literally has no defence. However, taking into account the fact that her house is sought to be removed, we grant six months time from today for the petitioner to vacate. The petitioner has to file an affidavit of undertaking before the second respondent that she would vacate her premises at the end of the six months period and if the undertaking is not adhered to, the second respondent shall remove the encroachment without issuing any further notice. The petitioner is also permitted to submit an application to the first respondent seeking allotment of alternative accommodation / site. If the petitioner is eligible, the first respondent shall consider allotting an alternative accommodation or site. The decision shall be taken by the first respondent within a period of two months from the date of receipt of the representation of the petitioner herein.



W.P.(MD)No.21213 of 2025

WEB COPY 4. The writ petition is disposed of accordingly. No costs.

Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [B.P., J.]
07.08.2025

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

To

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Tahsildar,
Sivakasi Taluk,
Virudhunagar District.
- 3.The Secretary,
Mamsapuram Village Panchayat,
Sivakasi Taluk,
Virudhunagar District.



WEB COPY



W.P.(MD)No.21213 of 2025

G.R.SWAMINATHAN, J
and
B.PUGALENDHI, J.

rmi

W.P(MD)No.21213 of 2025

07.08.2025