



W.P(MD)No.21716 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.08.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

**W.P(MD)No.21716 of 2025
and
W.M.P(MD)Nos.16819 & 16820 of 2025**

M.Kalaiyaran

... Petitioner

vs.

1.The District Collector,
Pudukkottai, Pudukkottai District.

2.The Thasildar,
Viralimalai,
Pudukkottai,
Pudukkottai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the second respondent herein vide his proceeding in Na.Ka.No.3428/2022/a6 dated 30.07.2025 and quash the same as illegal.

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For Petitioner : Mr.C.Suresh Kumar

For Respondents : Mr.M.Sarangan
Additional Government Pleader

ORDER

(Order of the Court was made by G.ARUL MURUGAN, J.)

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

2.This Writ Petition is filed challenging the notice issued by the Tahsildar, Viralimalai, dated 30.07.2025, under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 (hereinafter referred to as 'the Act, 1905').

3.Since it was the contention of the learned counsel appearing for the petitioner that no notice under Section 7 was issued prior to the issuance of the impugned Section 6 notice, the learned Additional Government Pleader appearing for the respondents was directed to ascertain whether a notice under Section 7 of the Act, 1905, had been issued.



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4.Today, when the Writ Petition is taken up for hearing, the learned Additional Government Pleader appearing for the respondents produced a copy of the Section 7 notice issued to the petitioner. In the Section 7 notice, the Village Administrative Officer had made an endorsement stating service of the notice was attempted, but the petitioner refused to receive the same.

5.In view of the above, it is clear that Section 7 notice was duly issued and that the petitioner refused to accept the same. Consequently, the the final order under Section 6 came to be issued.

6.It is also brought to the notice of this Court that the classification of the subject property in Survey No.237/1, as per the original records, is Government poramboke classified as a pathway. However, certain entries in the records were altered by erasing the original entries and inserting the names of private parties. The learned Additional Government Pleader appearing for the respondents submitted that separate proceedings



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are being contemplated against the persons involved in such manipulation of the original records.

7.Since the Section 6 notice challenged in the Writ Petition was issued after due issuance of a proper notice under Section 7, the sole ground raised by the petitioner is not sustained.

8.It is also to be noted that as against the present notice issued under Section 6, there is an appeal remedy provided under Section 10 of the Act, 1905, before the concerned District Collector.

9.In view of the above facts and deliberations, we do not find any infirmity or ground to interfere with the final notice issued under Section 6. Now, it is also brought to the notice of this Court by the learned Additional Government Pleader appearing for the respondents that the Section 6 notice has already been acted upon, the encroachment has been removed and a road has been laid.



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10. In view of the above, no further orders are required in this

Writ Petition. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

[S.M.S.,J.] & [G.A.M.,J.]
26.08.2025

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

To

1. The District Collector,
Pudukkottai,
Pudukkottai District.

2. The Thasildar,
Viralimalai,
Pudukkottai,
Pudukkottai District.



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S.M.SUBRAMANIAM, J.
and
G.ARUL MURUGAN, J.

ps

ORDER MADE IN
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DATED : 26.08.2025