

W.P(MD)No.21663 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**W.P(MD)No.21663 of 2025
and
W.M.P.(MD) Nos.16760 and 16763 of 2025**

Samalpatti Power Company Private Limited,
Door No.67, 1st Street, Thiruvankadam Nagar,
Kandanchavadi, Saidapet,
Chennai - 600 096,
Perungudi, Kanchipuram District,
Tamil Nadu,
Represented by its Authorised Signatory,
V.Murthi

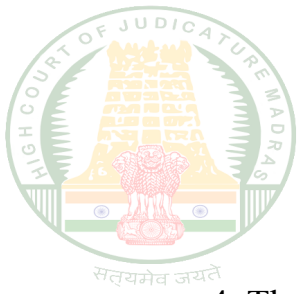
... Petitioner

Vs

1. The District Collector,
Virudhunagar District,
Tamil Nadu 626002.

2. The Revenue Divisional Officer (RDO),
Sattur Division,
Virudhunagar,
Tamil Nadu 626 002.

3. The Tahsildar,
Vembakkottai Taluk,
Virudhunagar, Tamil Nadu 626002.



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4. The Revenue Inspector (RI),
Tenkarai Village,
Vembakkottai Taluk,
Virudhunagar,
Tamil Nadu 626002.

5. The Village Administrative Officer (VAO),
Tenkarai Village,
Vembakkottai Taluk,
Virudhunagar,
Tamil Nadu 626002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order in proceedings No.Na.Ka.A5/2392/2020 dated 03.07.2025 on the file of the 3rd respondent and quash the same as the same is without jurisdiction or in the alternative, grant an order of injunction restraining the 3rd respondent from initiating any coercive or adverse steps in pursuance of the impugned order in proceedings No.Na.Ka.A5/2392/2020 dated 03.07.2025 until disposal of the appeal proceedings under section 10 of the Tamil Nadu Land Encroachment Act pending before the 1st respondent.

For Petitioner : Mr.M.G.Pranava Charan
for M/s Samagra Law

For Respondents : Mr.S.P.Maharajan
Special Government Pleader



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ORDER

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[Order of the Court was made by S.M.SUBRAMANIAM, J.]

The rejection order passed by the Tahsildar, Vembakkottai Taluk, in proceeding dated 03.07.2025 is under challenge in the present writ petition.

2.Admittedly, the jurisdictional Tahsildar conducted survey and identified encroachments in cart track (detailed odai), which is a water body. After identifying the encroachments, the Tahsildar initiated enforcement action under the Tamil Nadu Land Encroachment Act, 1905. Notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 was issued affording opportunity to the encroachers. Thereafter, notice under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 was issued. The petitioner preferred statutory appeal under Section 10 of the Act before the District Collector, which is pending.

3.The learned Counsel for the petitioner would contend that the petitioner is in possession for long years. Therefore, an interim



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injunction is to be granted in the present writ petition till the appeal is disposed of .

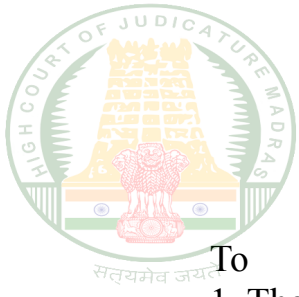
4.When the petitioner has already filed an interim petition under Section 10B of the Act, the present writ petition is not maintainable. It is for the petitioner to pursue his remedy before the District Collector concerned in the pending appeal.

5.With the above observations, the writ petition stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

[S.M.S., J.] [A.D.M.C., J.]
08.08.2025

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

LR



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