



W.P.(MD)No.22699 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.(MD)No.22699 of 2025

and

W.M.P.(MD)Nos.17769 & 17770 of 2025

Chandran

... Petitioner

-Vs-

- 1.The District Collector,
District Collectorate Office,
Sivagangai District.
- 2.The Tahsildar,
Manamadurai Taluk,
Manamadurai, Sivagangai District.
- 3.The Zonal Deputy Tahsildar,
Manamadurai Taluk,
Manamadurai, Sivagangai District.

4.Selvaraj

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the



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proceedings of the 2nd respondent in proceedings in Na.Ka.A4/2686/2024, dated 11.08.2025 issued under Section 6 of the Tamil Nadu Land Encroachment Act 1905 and quash the same and consequently, to direct the 1st respondent to dispose of the appeal filed by the petitioner against the notice issued by the 3rd respondent under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 on the basis of the communication sent by the 1st respondent to the 2nd respondent in Na.Ka.E4/5427/2025 dated 04.03.2025.

For Petitioner : Mr.M.Subash Babu,
Senior Counsel,
for M/s.Subash Law Office
For R1 to R3 : Mr.V.OM.Prakash,
Government Advocate

ORDER

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

The Writ on hand has been instituted, challenging the final notice issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 (hereinafter referred to as 'the Act').

2.Admittedly, the notice under Section 7 of the Act was issued on 05.02.2025 by affording opportunity to the petitioner / encroacher to submit his explanation. The petitioner has also submitted his explanation.



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3.The learned Senior Counsel appearing for the petitioner would submit that the explanation was not considered and the impugned final notice has been issued under Section 6 of the Act.

4.The notice under Section 7 of the Act contemplates an opportunity to be afforded to the encroacher for submission of explanation and such explanation is to be considered by the competent authority before issuing final notice under Section 6 of the Act. No separate adjudicatory procedure has been contemplated for removal of the encroachment from the Government land. If any person is aggrieved from and out of the final notice issued under Section 6 of the Act, he is at liberty to prefer an appeal under Section 10 of the Act before the District Collector concerned, who in turn, is empowered to consider the issues on merits and in accordance with law.

5.In the present case, the petitioner would contend that the appeal has been preferred against the show cause notice issued under Section 7 of the Act, which is not maintainable. Therefore, the petitioner may prefer an appeal against the final notice issued under Section 6 of the Act. However, it is for the authority concerned to proceed with the enforcement action in the manner known to law.



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6. With these observations, this Writ Petition stands dismissed. No costs.

Consequently, connected miscellaneous petitions are closed.

(S.M.S., J.) & (G.A.M., J.)
20.08.2025

NCC : Yes / No
Index : Yes / No

Yuva

To

1. The District Collector,
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