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W.P.(MD) No.23028 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.08.2025

CORAM:

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

**W.P.(MD) No.23028 of 2025
and
W.M.P.(MD) Nos.18099 & 18100 of 2025**

Nehru

... Petitioner

-VS-

1.The District Collector
Tenkasi
Tenkasi District

2.The Thasildar
Thiruvengadm Taluk
Tenkasi, Tenkasi District

3.The Zonal Deputy Thasildar
Thiruvengadam
Tenkasi District

4.The Village Administrative Officer
Sathirappatti
Tenkasi District

5.Muthukumar

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari to call for records pertain to the impugned order passed by the 1st respondent through his proceeding vide Na.Ka.COLR/10522/2024-H1 dated 03.05.2025 and quash the same as illegal.

For Petitioner : Mr.Akhilesh Sudhakar
for Mr.T.Indrachithu

For Respondents : Mr.J.Ashok
Additional Government Pleader for R1 to R4

ORDER

[Order of the Court was made by G.ARUL MURUGAN, J.]

This writ petition is filed challenging the order of the District Collector / first respondent dated 03.05.2025, passed in the appeal filed by the writ petitioner under Section 10 of the Tamil Nadu Land Encroachment Act, 1905.

2. It is the contention of the learned counsel for the petitioner, the petitioner was assigned with certain lands and he is in the possession of the same. According to the petitioner, it is a grama natham land and he has constructed a cattle shed in a portion thereof and therefore, he is entitled for



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the patta and hence, the same cannot be constructed as an encroachment. The District Collector / first respondent, who had considered the appeal under Section 10 of the Tamil Nadu Land Encroachment Act, 1905, has not gone into the entire aspect of the matter and therefore, the impugned order rejecting the appeal filed by the petitioner, is unsustainable.

3. Per contra, learned Additional Government Pleader appearing for the respondents 1 to 4 submitted that pursuant to the earlier directions issued by this Court in the writ petition filed by the fifth respondent herein, proceedings were undertaken and a survey was conducted and pursuant to the said survey, encroachments were identified and notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, was issued and after affording an opportunity and receiving reply, a final notice under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, came to be issued for removing the encroachment. Assailing the said notice, an appeal came to be filed by the petitioner before the District Collector / first respondent, under Section 10 of the Tamil Nadu Land Encroachment Act and the District Collector / first respondent by conducting a detailed enquiry and by affording an opportunity to all the parties concerned, rejected the appeal filed by the petitioner.



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Therefore, the present writ petition is not maintainable.

4. Heard the rival submissions and perused the materials available on record.

5. An inspection was conducted by the revenue authorities and it was ascertained that there was an encroachment in the lands in Survey No. 198/7. After the encroachments having been identified, a notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, was issued and an opportunity was afforded to all the encroachers. Pursuant to the reply submitted, the same was considered, and a final notice under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, was issued, calling upon the petitioner to remove the encroachment.

6. Assailing the said final notice, the petitioner preferred an appeal under Section 10 of the Tamil Nadu Land Encroachment Act, 1905, before the District Collector / first respondent herein.

7. The District Collector / first respondent conducted a detailed



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enquiry by affording reasonable opportunity to the petitioner and all the parties concerned. The statement of the petitioner and also the revenue authorities have been recorded. The District Collector, on coming to the conclusion that the petitioner does not have any right in respect of the land identified, which belongs to the Government and on concluding that the petitioner is in encroachment of the land, confirmed the final notice issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905. The District Collector / first respondent has passed the impugned order after conducting a proper enquiry and affording reasonable opportunity to the petitioner. The petitioner is not able to make out any legal infirmity in the impugned order. Once the lands are identified to be encroached by the petitioner and appropriate proceedings has been initiated under the Tamil Nadu Land Encroachment Act, 1905, the petitioner is liable to be evicted and the lands belong to the Government are to be made encroachment free.

8. In view of the detailed proceedings undertaken, we do not find any illegality in the impugned order passed by the first respondent.

9. In view of the above, there is no merit in this writ petition and



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accordingly, the same is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

[S.M.S., J.]

[G.A.M., J.]

25.08.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

- 1.The District Collector,
Tenkasi,
Tenkasi District.
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