



W.P.(MD)No.24275 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.09.2025

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

W.P.(MD)No.24275 of 2025
and
W.M.P.(MD)Nos.19042 and 19044 of 2025

Sabeena Banu

... Petitioner

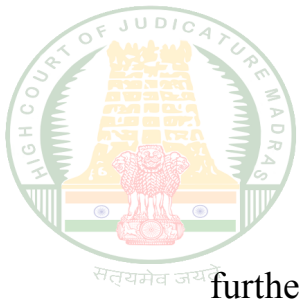
/Vs./

1.The District Collector,
Collectorate,
Ramanathapuram District.

2.The Tahsildar,
Thasildar Office,
Paramakudi Taluk,
Ramanathapuram District.

... Respondents

PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the impugned eviction notice issued by the second respondent herein in his proceedings in Na.Ka.No.A3/2156/2023 dated 14.08.2025 and quash the same insofar as the petitioner is concerned as illegal and



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further directing the second respondent herein not to remove encroachment without following due process of law by conducting proper survey.

For Petitioner : Mr.S.Vashik Ali

For R1 & R2 : Mr.M.Sarangan
Additional Government Pleader

ORDER

(Order of the Court was made by **DR.ANITA SUMANTH, J.**)

Read this order in connection and in conjunction with order dated 09.09.2025, that reads as follows:-

"We have heard Mr.S.Vashik Ali, learned counsel for the petitioner and Mr.M.Sarangan, learned Additional Government Pleader, for the respondents 1 and 2.

2.We have indicated that we do not find any merit in the writ petition seeing as the petitioner has not even bothered to reply to the notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 (in short 'Act'). In any event, there is a right of effective statutory appeal as against the order passed under Section 6 of the Act provided under Section 10 of the Act, as well as interim relief under Section 10(B) of the Act.



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3.Faced with this position, the learned counsel for the petitioner would seek one week time to file an appeal.

4.The matter is hence, adjourned to 16.09.2025 to enable the petitioner to produce a copy of the appeal filed. Status quo till then."

2. Today, Mr.S.Vashik Ali, learned counsel for the petitioner confirms that the petitioner has availed the appellate remedy and has instituted an appeal under Section 10 of Land Encroachment Act before the District Collector along with prayer for interim stay.

3. Let the appeal be taken up for hearing in due course, in accordance with law and in line with the principles of natural justice.

4. As far as interim protection is concerned, since the prayer for stay has been put forth along with appeal, let the Appellate Authority consider the stay petition, after hearing the petitioner, within a period of three weeks from today.



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5. Till such time, i.e., either for a period of three weeks or till the stay petition is disposed, *status quo* granted on 09.09.2025 will continue.

6. Incidentally, Mr.M.Sarangan, learned Additional Government Pleader for R1 and R2 has filed a compilation dated 08.09.2025, enclosing materials to the effect that the survey numbers in question are road and a panchayat building.

7. Since the appeal is pending before the Statutory Authority, we say no more in this regard.

8. The Writ Petition stands dismissed in light of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

[A.S.M.J.] & [C.K.J.]
16.09.2025

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

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To
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