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W.P.(MD)NO.23980 OF 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.23980 of 2025 AND

W.M.P.(MD)No.18815 of 2025

Venkadasamy

... Petitioner

Vs.

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The Tahsildar,
Sivakasi Taluk,
Virudhunagar District.
3. The Secretary,
Mamsapuram Village Panchayat,
Sivakasi Taluk,
Virudhunagar District.
4. Murugan

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the second respondent in his proceedings in Na.Ka.A1/401/2018 dated 22.07.2025 and quash the same as illegal,



violation of principles of natural justice, without jurisdiction and further direct the first respondent to consider the representation dated 16.07.2025 within the stipulated time which this Court may deem fit and proper.

For Petitioner : Mr.M.Jothi Basu
For R-1 & R-2 : Mr.S.Vinoth,
Government Advocate.
For R-3 : Mr.Ramanathan,
Additional Government Pleader.

* * *

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate appearing for respondents 1 and 2 and the learned Additional Government Pleader for the third respondent.

2. The fourth respondent herein filed W.P.(MD)No.31241 of 2024 seeking removal of the encroachments in Kaliamman temple in Duraisampuram Village. The writ petition was disposed of on 03.01.2025 by directing the authorities to conduct survey and remove the encroachments. The Division Bench directed the authorities to adhere to due process of law. Acting in compliance



with the directions of this Court, notice was issued to the encroachers and survey was conducted in their presence. Since encroachments were noticed, action was taken under the Tamil Nadu Land Encroachment Act. Notice under Section 7 of the Act was issued. Enquiry was conducted. The objections of the petitioner were overruled. Thereafter, the impugned order under Section 6 of the Act came to be passed. Challenging the same, this writ petition has been filed.

3. The petitioner literally has no defence. However, taking into account the fact that his house is sought to be removed, we grant five months time from today for the petitioner to vacate. The petitioner has to file an affidavit of undertaking before the second respondent that he would vacate his premises at the end of the six months period and if the undertaking is not adhered to, the second respondent shall remove the encroachment without issuing any further notice. The petitioner is also permitted to submit an application to the first respondent seeking allotment of alternative accommodation / site. If the petitioner is eligible, the first respondent shall consider allotting an alternative accommodation or site. The decision shall be taken by



the first respondent within a period of two months from the date of receipt of the representation of the petitioner herein.

4. It is submitted that apart from the writ petitioner, there are also similarly placed occupants. On account of their poverty, they are unable to come to this Court. Those individuals are also given five months time to vacate provided that they file an affidavit of undertaking before the jurisdictional Tahsildar. Those individuals also are entitled to submit their applications before the District Collector for allotment of alternative sites. Their applications will be favourably considered if they are eligible to be granted alternative sites. This writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (B.PUGALENDHI, J.)

04th September 2025

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

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To:

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Virudhunagar District,
Virudhunagar.
2. The Tahsildar,
Sivakasi Taluk,
Virudhunagar District.
3. The Secretary,
Mamsapuram Village Panchayat,
Sivakasi Taluk,
Virudhunagar District.



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