



W.P(MD)No.24998 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.09.2025

CORAM:

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

W.P(MD)No.24998 of 2025
and
W.M.P(MD)No.19617 of 2025

Muthukumar

... Petitioner

Vs.

1.The District Collector,
Sivagangai District.

2.The Tahsildhar,
Manamadurai Taluk,
Sivagangai District.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned notice by the second respondent vide impugned proceedings in Na.Ka.A4/287/2025 dated 02.09.2025 and quash the same as illegal.



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W.P(MD)No.24998 of 2025

For Petitioner : Mr.R.Gowrishankar
For Respondents : Mr.S.P.Maharajan
Special Government Pleader

ORDER

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

Mr.S.P.Maharajan, learned Special Government Pleader accepts notice for the respondents and is armed with necessary instructions to proceed with the matter finally. Hence, by consent of both sides, this Writ Petition is taken up for final disposal, even at the stage of admission.

2. This Writ Petition is filed challenging an order passed by the second respondent, i.e., Tahsildar, Manamadurai Taluk, Sivagangai District under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 (in short 'Act') in respect of the property at S.No.282/3, Vadivilliputhiriyendhal Village (in short 'property'/'property in question').

3. The matter has a history, in that, the petitioner had earlier filed a Writ Petition in W.P.(MD)No.4353 of 2025 challenging a show cause notice issued under Section 7 of the Act on 31.01.2025. That Writ



W.P(MD)No.24998 of 2025

WEB COPY

Petition had been disposed on 19.02.2025 and at paragraph 5, the learned Judge directed the petitioner to submit an explanation/objection to the notice enclosing relevant materials to substantiate his claim and on receipt of the explanation, the authority would pass appropriate orders on merits, after affording sufficient opportunity.

4. Admittedly, the petitioner has not submitted any explanation or objection to notice dated 31.01.2025 and has instead filed only a letter stating that a Review Application was filed as against the order of the Writ Court. The Review Application appears to have been filed reiterating the claim of the petitioner that the property in question was Natham in respect of which the State would have no right.

5. While so, the Review Application was also dismissed on 18.07.2025. Hence, the impugned order dated 02.09.2025 has come to be passed, aggrieved with which, the petitioner has approached this Court yet again, contending primarily, that no opportunity has been afforded to him.



W.P(MD)No.24998 of 2025

WEB COPY

6. We find absolutely no merit in the Writ Petition. In fact, sufficient opportunity was granted by this Court under order dated 19.02.2025 to enable the petitioner to file his response. That liberty was not availed. Instead, the petitioner has merely cited the pendency of the Review Application which has been dismissed on 18.07.2025. At least after the dismissal of the Review Application, the petitioner could have well filed the objection/explanation, which was also not done.

7. It is in the aforesaid circumstances that the impugned order has come to be issued on 02.09.2025. We are of the categoric view that this is a case where the petitioner has not merely failed to avail of the opportunities that were granted time and again, but has also not cooperated in the proceedings by filing an explanation for which he was granted liberty.

8. In such circumstances, this Writ Petition is dismissed with costs of Rs.25,000/- (Rupees twenty five thousand only), payable to the High Court Legal Services Committee.

9. It is made clear that this order will not stand in the way of the petitioner availing the remedy of appeal under Section 10 of the Act



W.P(MD)No.24998 of 2025

in accordance with law, subject to the costs being paid prior thereto.

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Consequently, connected Miscellaneous Petition is closed.

[A.S.M.J.] & [C.K.J.]
12.09.2025

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

To

- 1.The District Collector,
Sivagangai District.
- 2.The Tahsildhar,
Manamadurai Taluk,
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W.P(MD)No.24998 of 2025

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