



W.P.(MD)No.25277 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.11.2025**

CORAM:

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

W.P.(MD)No.25277 of 2025

Maharajan

... Petitioner

/Vs./

1.The District Collector/Monitoring Committee,
Tirunelveli District, Tirunelveli.

2.The Tahsildar,
Palayamkottai Taluk,
Tirunelveli.

3.The Block Development Officer,
Palayamkottai Panchayat Union,
Tirunelveli District.

4.Rajendran

... Respondents

PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India praying to issue a writ of mandamus, directing the respondents 1 to 3 herein to remove the encroachments in S.No.1169B/3 situated at Seevalaperi Village, Palayamkottai Taluk, Tirunelveli District ad measuring 0.05.20 sq meters by taking appropriate action against the 4th respondent based on petitioner's representation dated 31.07.2025 and



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restore the pathway as earlier within a reasonable time fixed by this Court.

For Petitioner : Mr.V.M.Jegadeesha Pandian
For Respondents : Mr.P.Thilakkumar
Government Pleader (R1 to R3)
No Appearance (R4)

ORDER

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

The petitioner, who claims to be an agriculturist, seeks a mandamus directing the respondents to remove the encroachments in Survey No.1168B/3 at Seevalaperi Village, Palayamkottai Taluk, Tirunelveli District admeasuring 0.05.20 sq.meters by taking appropriate action against R4.

2.Though notice was issued to R4, the learned counsel for the petitioner states that he has been unable to serve R4 as he refused to receive the notice.

3.Be that as it may, Mr.Thilakkumar, learned Government Pleader, who appears for R1 to R3, files a status report by the Tahsildar/R2, wherein the authorities stated that survey was conducted on 05.11.2025 in the presence of a representative of R4 and it has also



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been determined that R4 has encroached by constructing a compound Wall and fence. Sub clauses (e), (f), (g) of para 2 in the status report state as follows:

“e) As the land is under the control of the 3rd respondent, Form 1 and Form 2 notices were issued to the 3rd respondent by the 2nd respondent, vide Letter No. B6/65/2024 dated 31.07.2024, directing the initiation of necessary action for removal of the encroachment. As there is no result in the eviction process which was followed by the Administrative Control Department and accusing by the encoracher that the land in question is not measured in the presence of the alleged to be the encoracher, the land was again surveyed on 05.11.2025 in the presence of the representative of the encroacher in his absence and ensured that there is an encroachment in the subject land as mentioned in the aforesaid para. The then, form 7 notice was issued under Tamilnadu Encroachment Act, 1905 by the 2nd respondent. After the due formalities of the rest of course of action like form 6, the subject encroachment will be evicted as soon as possible.

f) Prompt action was taken upon receipt of the petitioner's complaint, and it has been ascertained that the 4th respondent has indeed encroached upon the subject land. It is humbly submitted that any delay in the process was neither deliberate nor willful on the part of the respondent officials.

g) It is further respectfully submitted that the encroachment will be removed by the respondents after completion of due course of action which is stipulated in the Tamilnadu Encroachment Act, 1905.”

4.Since the authorities are now seized of the matter and assure the Court as well as the petitioner that Form VII notice has already been issued under the Tamil Nadu Land Encroachment Act, 1905, what remains is to receive response of the encroacher and pass orders in accordance with law under Section 6 of the Act. Hence, we direct the



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authorities to take the matter to its logical conclusion not later than eight (8) weeks from today in accordance with law.

5.Since the mandamus stands now achieved, recording the aforesaid, this writ petition is closed. No costs.

[A.S.M.J.] & [C.K.J.]
07.11.2025

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

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To

- 1.The District Collector/Monitoring Committee,
Tirunelveli District, Tirunelveli.
- 2.The Tahsildar,
Palayamkottai Taluk,
Tirunelveli.
- 3.The Block Development Officer,
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Dated:
07.11.2025