



W.P.(MD)No.25570 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.09.2025

CORAM:

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

W.P.(MD)No.25570 of 2025
and
W.M.P(MD)Nos.20014, 20016 & 20018 of 2025

Murugesan

... Petitioner

/Vs./

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The Revenue Divisional Officer,
Palani, Dindigul.
- 3.The Tahsildhar,
Vedasanthur Taluk,
Dindigul District.
- 4.The Block Development Officer,
Vadamadurai Division,
Dindigul District.

... Respondents



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PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the third respondent under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 in Na.Ka. No.638/2025/A3 dated 21.07.2025 and quash the same and consequently forbear the 2 to 4 respondents from removing the asbestos shed situated in Survey Nos.1903/39 and 1903/40 in Paadiyur Village, Vedasanthur Taluk, Dindigul District.

For Petitioner : Mr.N.Jeyaram Siddharth

For Respondents : Mr.M.Sarangan
Additional Government Pleader

ORDER

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

The petitioner has challenged the proceedings in Na.Ka.No.638/2025/A3 dated 21.07.2025, which is an order passed under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 (in short 'Act') by the third respondent.

2.The petitioner has filed an appeal as against the same and rightly so, on 16.08.2025. The appeal is stated to have been taken on file by the authority under proceedings in Na.Ka.No.368126/2025/V2 as submitted by Mr.M.Sarangan, learned Additional Government Pleader.



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3.While so, the petitioner is in receipt of recovery proceedings dated 16.08.2025. To be noted, he has not challenged those proceedings per se, but has chosen to challenge the notice issued under Section 6 of the Act itself. Hence, the Writ Petition is really not maintainable seeing as a statutory remedy has already been availed.

4.Having regard to the fact that the appeal has been filed in time and is pending disposal, the petitioner is permitted to move the authority for interim protection as well. Stay petition, if moved within a period of week from today, shall be taken on file by the authorities and disposed within four weeks thereafter. For a period of five weeks from today or till disposal of stay petition, once instituted, there shall be an order of status quo.

5.It is made clear that if the stay application is not filed within one week, then the benefit extended under this order shall cease to have effect, without further reference to this Court.



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6.The Writ Petition and connected Miscellaneous Petitions are

dismissed with liberty as aforesaid. No costs.

[A.S.M.J.] & [C.K.J.]
17.09.2025

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

To

- 1.The District Collector,
Dindigul District,
Dindigul.
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AND
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