



W.P.(MD)No.26671 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.11.2025**

CORAM:

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

W.P.(MD)No.26671 of 2025 &
W.M.P.(MD)No.20677 of 2025

1. Kannusamy

2. Karumalaiyan

... Petitioners

/Vs./

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.

2. The District Revenue Officer,
Office of the District Revenue Officer,
Ramanathapuram.

3. The Tahsildar,
Mudukulathur Taluk,
Ramanathapuram District.

4. Muniasamy

... Respondents

PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 3rd respondent to remove the encroachment of the 4th respondent in Survey No.455/17,

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Vengalakurichi Village, Mudukulathur Taluk, Ramanathapuram Taluk in a time bound manner.

For Petitioner : Mr.D.Senthil

For Respondents : Mr.S.P.Maharajan,
Special Government Pleader
for R1 to R3
Mr.S.Balaji for R4

ORDER

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

W.M.P.(MD)No.20677 of 2025 filed seeking to file a single writ petition is ordered on payment of separate Court fee.

2. The petitioner alleges encroachment by one Muniasamy / R4 in S.No.455/17, Vengalakurichi Village, Mudukulathur Taluk, Ramanathapuram Taluk.

3. We have heard Mr.D.Senthil, learned counsel for the petitioner, Mr.S.P.Maharajan, learned Special Government Pleader for R1 to R3 and Mr.S.Balaji, learned counsel for R4 and have also perused the counter filed by R3 / Tahsildar, Mudukulathur Taluk, Ramanathapuram



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District, who says that the concerned Block Development Officer has issued encroachment notice to the encroachers and acted on the representation made by the petitioner, pursuant to which survey was also conducted.

4. At paragraph no.4 of the counter, he states that the Revenue Inspector had found that the subject land was earmarked as street in the revenue records and two persons, i.e., Kaleeshwari and Muthukumar, the former being the wife of R4, have encroached upon the same.

5. The said report has been given by the Revenue Inspector on 09.02.2024 and the Block Development Officer has also issued a notice alleging encroachment. Kaleeshwari, wife of R4 had moved W.P. (MD)No.19132 of 2024, which was disposed on 07.08.2024, in the following terms:

While challenge to the show cause notice issued under Section 7 of the Land Encroachment Act, 1905, has been made, we find that the show cause notice has been issued by an officer, who has no authority. Sections 6 and 7 of the Land Encroachment Act, 1905, provide for a scheme for eviction of encroachers. While Section 6 empowers the Collector, the Tahsildar or the Deputy Tahsildar or any other officer authorised by the State Government in this behalf to evict unauthorised encroachers, Section 7 requires such an officer to issue a show cause notice,



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requiring the occupant to show cause as to why he or she should not be evicted. In addition to the officers mentioned in Section 6, Section 7 includes the Revenue Inspector also. The notice impugned in this Writ Petition has been issued by the Block Development Officer, who is higher in rank than the Tahsildar. The Block Development Officer is not an officer authorised to issue such show cause notices. Hence, this Writ Petition stands allowed on this very short ground and the impugned show cause notice is quashed. It will be open for the authorities to take appropriate action, as provided under law. No costs. Consequently, the connected W.M.P.(MD)No.16191 of 2024 is closed.

6. In light of the aforesaid, and since the notice issued by the Block Development Officer was quashed, second show cause has been issued on 31.10.2025. Mr.S.Balaji, learned counsel who appears for R4 states that explanation has also been furnished.

7. Let the proceedings be taken to a logical conclusion within a period of eight (8) weeks from the date of receipt of a copy of this order.

8. This writ petition is disposed in terms of this order. No costs.

[A.S.M.J.] & [C.K.J.]
13.11.2025

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

4/6



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Dr.ANITA SUMANTH, J.
AND
C.KUMARAPPAN, J.

mbi

Order made in
W.P.(MD)No.26671 of 2025

Dated:
13.11.2025