



W.P(MD)No.31385 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 06.11.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**W.P(MD)No.31385 of 2025
and
W.M.P(MD)Nos.24583 & 24584 of 2025**

Ahamed Kabeer

... Petitioner

Vs.

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

2.The Tahsildar,
Manamelkudi Taluk,
Pudukkottai District.

... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records of the impugned notice issued by the second respondent in Na.Ka.1410/2023/A9-35 dated 22.10.2025 and Quash the same.

For Petitioner : Mr.K.Bala Sundaram
Senior Counsel
for M/s.KBS Law Office



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For Respondents : Mr.C.Venkatesh Kumar
Special Government Pleader

ORDER

Heard both sides.

2.The writ petitioner had put up construction in Survey No.101/5 in Thandalai Village, Pudukkottai District. The said survey number has been classified as “water body”. Hence, the building was demolished pursuant to the order of this Court. Though the petitioner has some substantial arguments to advance regarding the validity of the action, we do not propose to go into the same. The only request now made by the petitioner is that he must be permitted to remove the debris and deposit the same in a hospital campus or school campus. We do not find this request to be objectionable.

3.The learned Special Government Pleader states that the authorities have incurred a sum of Rs.1,50,000/-(Rupees One Lakh and Fifty Thousand only) for carrying out the demolition and that therefore the petitioner should not be allowed to appropriate the debris. He further submits that a similar request was made by another encroacher and the said writ petition was dismissed by the Hon'ble Division Bench of this Court.



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4.We would have upheld the contention of the learned Special Government Pleader if any eviction order under Section 6 of the Land Encroachment Act had been passed against the writ petitioner herein. In such an event, the cost of removing the encroachment could have been recovered from the encroacher. Such is not the case here.

5.For this reason and considering the special circumstances of this case, we permit the petitioner to remove the debris on his own and deposit the same in the campus of a local school or hospital. This shall be done by the petitioner within a period of 20 days. The authorities are entitled to keep watch over the aforesaid operation. We make it clear that we have given the aforesaid concession to the petitioner considering the undertaking given by him.

6.This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

[G.R.S., J.] [B.P., J.]
06.11.2025

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



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G.R.SWAMINATHAN, J

and

B.PUGALENDHI, J.

MGA

To

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Pudukkottai District,
Pudukkottai.

2.The Tahsildar,
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