



W.P(MD)No.32371 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 13.11.2025

CORAM

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

**W.P(MD)No.32371 of 2025
and
W.M.P(MD)No.25478 of 2025**

M.Peya Pandian

... Petitioner

Vs.

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Block Development Officer
(Village Panchayat),
Thirumangalam Panchayat Union,
Madurai District.
- 3.The Tahsildar,
Thirumangalam Taluk,
Madurai District.
- 4.The Special Officer,
Sorikkampatti Village Panchayat,
Thirumangalam Panchayat Union,
Madurai District.

5.M.Meenal Pandian

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 in more particularly 3rd respondent to follow the due process and extending the full opportunity to the petitioner before initiating the proceedings for removal of alleged encroachment in survey No.428/2, Karadikal Village, Thirumangalam Taluk, Madurai District.

For Petitioner : Mr.VR.Shanmuganathan

For Respondents : Mr.C.Venkatesh Kumar
Special Government Pleader
for R.1 to R.4

Mr.M.Jothi Basu
for R.5

ORDER

Heard both sides.

2.The only prayer made in the writ petition is that the authorities should stick to due process before taking any adverse action against the writ petitioner.

3.No exception can be taken to the said request. In fact, the writ petitioner's prayer is in consonance with the direction we had earlier issued at



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the instance of the fifth respondent herein. Order dated 07.08.2025 made in

W.P(MD)No.21084 of 2025 reads as follows:

“3. In this view of the matter, we direct the third respondent to conduct survey. Notice shall be given to all the interested persons & encroachers before conducting survey. If the survey results indicate that there are encroachments in the water body, the same shall be removed. All the encroachers shall not only be put on notice but also given due opportunity. All the encroachments shall be cleared within a period of four months from the date of receipt of a copy of this order.”

4.We had mandated the authorities to issue notice and give due opportunity to the encroacher, if any. We wanted to know from the learned Special Government Pleader whether any notice under Section 7 of the Land Encroachment Act,1905 was issued. The answer is in the negative. We fail to understand as to how without even issuing notice under Section 7 and passing final order under Section 6, the authorities have proceeded to remove the so-called encroachment said to have been committed by the writ petitioner. If the Tahsildar, Thirumangalam Taluk removes the encroachment without following the statutory procedure, he may be hauled up for contempt. We make it clear that the directions earlier issued by us will have to be complied with in letter and spirit.



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5.This Writ Petition is allowed accordingly. No costs. Consequently,

connected miscellaneous petition is closed.

[G.R.S., J.] [B.P., J.]
13.11.2025

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

To

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Madurai District,
Madurai.
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(Village Panchayat),
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and

B.PUGALENDHI, J.

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