



W.P.(MD)No.33012 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.11.2025**

CORAM:

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

W.P.(MD)No.33012 of 2025

S.Gomathi

... Petitioner

Vs.

1.The District Collector,
Trichy District, Trichy.

2.The Sub Collector,
Musiri,
Trichy District.

3.The Tahsildar,
Musiri Taluk,
Trichy District.

4.G.Loganathan

... Respondents

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 in Na.Ka.No.A3/0058/2025 dated 22.10.2025 passed by the second respondent, set aside the same and consequently directing the respondents 1 to 3 to remove encroachment made by the fourth respondent in S.No.445/22, Paithambarai Village, Musiri Taluk, Trichy District.



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For Petitioner : Mr.V.Karthikeyan
For Respondent : Mr.S.P.Maharajan (R1 to R3)
Special Government Pleader

ORDER

(Order of the Court was made by **C.KUMARAPPAN, J.**)

The present writ petition is filed challenging the order of the second respondent dated 22.10.2025 in Na.Ka.No.A3/0058/2025.

2.The learned counsel for the petitioner would submit that the fourth respondent has made an encroachment in a public pathway in S.No.445/22, Paithambarai Village, Musiri Taluk, Trichy District. The petitioner earlier preferred a writ petition in W.P.(MD)No.11908 of 2025, wherein this Court directed the second respondent to dispose the petitioner's representation within a period of twelve weeks.

3.The learned counsel for the petitioner further submits that without taking into consideration of the factual position, the second respondent passed the impugned order by stating that removal of encroachment will be subject to the outcome of the suit in O.S.No.78 of 2022 pending before the District Munsif Court, Musiri relating to the property in dispute. According to the petitioner, such observation is contrary to the directions of this Court.



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4.At this juncture, the learned Additional Government Pleader would contend that the order impugned in this writ petition is an appealable order, therefore, the present writ petition is not maintainable and in this regard, he would also rely upon Section 10-A(1)(b) of the Land Encroachment Act (in short 'Act'). Hence, he prays to dismiss the present writ petition.

5.We have given our anxious consideration to either side submissions.

6.While considering the order of the second respondent, as rightly observed by the second respondent in the impugned order, any further proceedings would only subject to the outcome of the suit pending before the Principal District Munsif Court, Musiri in O.S.No.78 of 2022.

7.At this juncture, the main contention of the Additional Government Pleader is that the impugned order is appealable before the Commissioner of Land Administration under Section 10-A(1)(b) of the Act. For ready reference, the same is extracted as under:



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“10-A. (1) Any decision or order passed under this Act may be revised either suo motu or on application-

.....

(b) by the Board of Revenue, if such decision or order was passed by any officer”

8.In view of the above provision, there is an alternative remedy before the Board of Revenue. Accordingly, we find that the present writ petition is not maintainable. Hence, the present writ petition is dismissed by giving liberty to the petitioner to approach the above revisional authority within a period of two weeks from the date of receipt of a copy of this order. If the appeal is filed within the above period, the same shall be entertained without insisting upon the period of limitation, and dispose the same in accordance with law and according to its own merits.

9.In view of the above, this writ petition is dismissed. No costs.

[A.S.M.J.] & [C.K.J.]
18.11.2025

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