



W.P.(MD)No.33741 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2025

CORAM:

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

W.P.(MD)No.33741 of 2025

and

W.M.P.(MD)Nos.26647 and 26649 of 2025

S.Paul Raj

... Petitioner

Vs.

- 1.The District Collector,
Tiruchy District Collector Office Raja Colony,
Tiruchirappalli District.
- 2.The Revenue Divisional Officer,
Tiruchirappalli District.
- 3.The Tahsildar,
Tiruchy East Taluk,
Tiruchirappalli District.

... 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 relating to the impugned order of eviction under section 6 of Tamil Nadu Land Encroachment Act 1905 without issuing notice under section 7 of Tamil Nadu Land Encroachment Act 1905 by the 2nd respondent dated 08/10/2025 in respect Government poramboke property comprised in Old T.S No. 2497/2A-1 Part, Old Ward 8, Old Block 34, New T.S. No.46, New Block-16, Ward No.50-1, Sengulam Village, Tiruchirapalli East



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Taluk, Tiruchirapalli District, a small house with Seemai Odu roofing/Clay Tiles Roofing to an extent of 15 feet east west on both sides and 33 feet north south on both sides and quash the same and directing the respondents 1 to 3 to grant patta to the petitioner or direct the second respondent to pass orders for change of classification.

For Petitioner : Mr.R.Athi Sharmila
For Respondents : Mr.S.P.Maharajan (R1 to R3)
Special Government Pleader

ORDER

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

Challenge in this writ petition is to an order passed under Section 96 of the Tamil Nadu Land Encroachment Act, 1905 (in short 'Act') alleging encroachment of the properties in Ward-W, Block-16, Town Survey No.46, Sengulam Village, Tiruchirappalli East Taluk, Tiruchirappalli District.

2.One of the basic premises, on which the present writ petition has been filed, is that the impugned order has not been preceded with a notice under Section 7 of the Act, which is statutorily required.

3.Mr.S.P.Maharajan, learned Special Government Pleader, who appears for the respondents, conveys oral instructions to the effect that notice under Section 7 of the Act does not appear to have been issued and that the impugned order may hence be taken as a notice. In fact, he says



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that in the interim period, Lawyer's notice has been issued on 04.10.2025, which is part of the records of the authorities.

4.In light of the fair submission of Mr.Maharajan, learned Special Government Pleader, to the effect that no notice under Section 7 of the Act has been issued, it would suffice for us to direct that the impugned order dated Nil.09.205 signed on 30.09.2025 and 08.10.2025 shall be taken to be a notice under Section 7 of the Act. Notwithstanding the Lawyer's notice, the petitioner is granted two weeks from today (25.11.2025) to file his reply to the notice before R3/Tahsildar, Tahsildar, Tiruchy East Taluk, Tiruchirappalli District, with all supporting documents, if they are in possession of the same. Upon receipt of the reply, the petitioner shall be heard and proceedings be taken to its logical conclusion in accordance with law within a period of four weeks thereafter.

5.With this, this writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

[A.S.M.J.] & [C.K.J.]
25.11.2025

NCC :Yes/No
Internet :Yes
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