



W.P(MD)No.33351 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 20.11.2025

CORAM

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

**W.P(MD)No.33351 of 2025
and
W.M.P(MD)Nos.26323, 26324 & 26325 of 2025**

Hindu Nadar Uravinmurai,
Vanniampatti,
Nadar Kaleeswari Higher Secondary School,
Vanniampatti,
Srivilliputhur – 626 125,
Represented by
The President.

... Petitioner

Vs.

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Sub Collector,
Sivakasi,
Virudhunagar District.
- 3.The Tahsildar,
Srivilluputhur,
Virudhunagar District.



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4.The Block Development Officer (V.P),
Srivilluputhur,
Virudhunagar District.

5.P.Manimaran

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the third respondent in Na.Ka.A1/2070/2024 dated 23.07.2025, quash the same as illegal, arbitrary and violative of principles of natural justice, and consequently forbear the respondents 1 to 4 from in any manner interfering with the petitioner's peaceful possession and enjoyment of the writ petitioner's patta lands in Survey Nos. 1272/1B and 1272/1C, Pillaiyarkulam Village, Srivilliputhur Taluk, Virudhunagar District, without conducting a proper and joint survey after due notice to the writ petitioner.

For Petitioner : Ms.S.Meena

For Respondents : Mr.S.Vinodh
Government Advocate
for R.1 to R.3

Mr.C.Venkatesh Kumar
Special Government Pleader
for R.4

Mr.G.Radha Krishnan
for R.5

ORDER

Heard both sides.



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2.The petitioner challenges the impugned memorandum dated 23.07.2025 whereby the petitioner has been called upon to remove the encroachments in question within 3 days. The impugned memorandum is only a consequential order. Hence, without challenge the primary order, challenging the consequential order is clearly not maintainable.

3.When this was pointed out, the learned counsel for the petitioner submits that he will file an appeal against the order dated 19.12.2024 passed under Section 6 of the Land Encroachment Act, 1905 within 7 days from the date of receipt of a copy of this order. Since such an undertaking has been given, we are of the view that the statutory remedy available to the litigant should not be taken away. If the petitioner file such an appeal, it shall be disposed of by the appellate authority as expeditiously as possible. Till the disposal of the appeal, the impugned eviction drive shall be put on hold. It shall abide by the outcome of the appeal. The direction given by us in W.P(MD)No.22598 of 2025 shall extended in the light of the order now passed in this writ petition. We have not gone into the merits of the matter. All the contentions open to the writ petitioner can be raised before the appellate authority also. If the petitioner fails to file an appeal within the time limit mentioned above, the benefit of this order shall stand recalled automatically.



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4.This Writ Petition is disposed of accordingly. No costs.

Consequently, connected miscellaneous petitions are closed.

[G.R.S., J.] [B.P., J.]
20.11.2025

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

To

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Sub Collector,
Sivakasi,
Virudhunagar District.
- 3.The Tahsildar,
Srivilluputhur,
Virudhunagar District.
- 4.The Block Development Officer (V.P),
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B.PUGALENDHI, J.

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