



W.P.(MD)No.34131 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 26.11.2025

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND

THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

W.P.(MD)No.34131 of 2025

and

W.M.P(MD)No.26969 of 2025

B.Kannan

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District.

2.The Tahsildar,
Sivakasi Taluk,
Virudhunagar 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 pertaining to impugned show cause notice in Na.Ka.Aa.1/3-129/2025 dated 17.10.2025 on the file of respondent No.2 and quash the same as illegal, and consequently forbear the respondents from evicting the petitioner from his house situated in S.No.404/14, Naranapuram Village, Sivakasi Taluk, Virudhunagar District within the time frame stipulated by this Court.

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For Petitioner : Mr.M.Mahaboob Fazil

For Respondents : Mr.S.P.Maharajan (R1 & R2)
Special Government Pleader

ORDER

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

The subject matter of this Writ Petition is the land in S.No.404/14, Naranapuram Village, Sivakasi Taluk, Virudhunagar District ('property'/'property in question'). Under the impugned notice dated 17.10.2025 issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 (in short 'Act'), a reply has been solicited from the petitioner as to why he should not be evicted from the land in question on the premise that he is an encroacher.

2.The present impugned proceedings emanate from an order passed in W.P(MD)No.23788 to 2025, that was disposed on 13.10.2025. That Writ Petition had been filed by one K.Revathi, a whistle-blower, who sought a Mandamus directing the official respondents to evict the present petitioner arrayed as R3 therein from the land in question on the ground that he is an encroacher.



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3.While disposing of the writ petition on 13.10.2025, the Court has mentioned in para 1 that the land is classified as 'Natham' and hence necessary steps must be taken for removal of encroachment. The authorities were directed to proceed further in terms of the provisions of the Act and to complete the proceedings within a period of three months after hearing the petitioner.

4.The revenue records which have been produced by Mr.Maharajan, learned Special Government Pleader for respondents today, indicate that the land in question is classified as 'அரசு புறம்போக்கு காலியிடம் '. This is the classification of the land as per the impugned notice as well.

5.However, Mr.Fazil, learned counsel, who appears for petitioner, circulates proceedings in Na.Ka.No.A6/4695/2023 dated 16.05.2023 issued by the Tahsildar, Sivakasi Taluk/R2, wherein the land in question appears to have been classified as Natham. Hence, there is clearly a dispute on facts. We leave it to both the petitioner and the authority to sort this issue in the course of the proceedings under the Act, which have already been initiated by issuance of impugned notice. We



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confirm the notice, directing the petitioner to give a reply within a period of two weeks from today and direct the authorities to hear the petitioner and thereafter pass orders in accordance with law. The entirety of the exercise shall be completed within a period of twelve weeks from today.

6.This Writ Petition is dismissed with the directions as above.

No costs. Consequently, connected Miscellaneous Petition is closed.

[A.S.M.J.] & [C.K.J.]
26.11.2025

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

To

1.The District Collector,
Virudhunagar District.

2.The Tahsildar,
Sivakasi Taluk,
Virudhunagar District.



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