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W.P.(MD) No.35390 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.12.2025

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
and
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

W.P.(MD) No.35390 of 2025

and

W.M.P.(MD) Nos.28080, 28081 & 28100 of 2025

S.H.Beermohamed

... Petitioner

-vs-

1.The District Collector
Tuticorin District
Tuticorin

2.The Tahsildar
Thiruchendur Taluk
Tuticorin District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records pertaining to impugned order passed by the 2nd respondent in Na.Ka.No.Aa1/1080/2025 dated 13.11.2025 and quash the same and consequently direct the



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respondents to consider the reply submitted by the petitioner on merits and in accordance with law.

For Petitioner : Mr.G.Mohankumar

For Respondents : Mr.S.P.Maharajan
Special Government Pleader

ORDER

[Order of the Court was made by DR.G.JAYACHANDRAN, J.]

The petitioner herein claims that the land in Survey Nos.409 and 410/2 of Chettiapattu Village, Udangudi, Thiruchendur Taluk, Tuticorin District, which is in his possession, is a natham property and he purchased the same under two separate sale deeds dated 01.07.2013 and 22.07.2013. The total extent of the land is 72 Cents. While that be so, on 07.08.2025, the Thasildar affixed a notice dated 01.08.2025 under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, claiming that the petitioner has encroached upon the land measuring 0.19.08 Hectares in Survey No.409, which is classified as Natham (Well) and the land measuring 0.10.00 Hectares in Survey No.410/2, which is classified as Government Poramboke. The petitioner gave a reply to the said notice on 12.08.2025 stating that the



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subject land, which is under his occupation is a natham land and not the Government poramboke land as claimed by the second respondent. However, it is alleged that the second respondent, without taking into consideration the said fact, has mechanically passed the impugned order dated 13.11.2025 under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, directing the petitioner to remove the fence put by him along the subject land, or else, the same will be removed by the revenue authorities.

2. Learned counsel for the petitioner would submit that the impugned order dated 13.11.2025, passed by the second respondent, is a non-speaking order and the explanation given by the petitioner to the notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, has not been considered properly by the second respondent.

3. Learned Special Government Pleader, who takes notice for the respondents, on instructions, would submit that as per the A-Register of the village, the land in Survey No.409 is classified as “Natham Kinaru” and the land in 410/2 is classified as “Natham”. Only after due enquiry and affording an opportunity to the petitioner, the impugned order dated 13.11.2025 has



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been passed by the second respondent, under Section 6 of the Tamil Nadu Land Encroachment Act, 1905. If at all the petitioner is aggrieved by the impugned order, he has to prefer an appeal under Section 10 of the Tamil Nadu Land Encroachment Act, 1905, within a period of thirty days from the date of receipt of the impugned order. Therefore, filing a writ petition is not an alternative remedy, when there is an efficacious appeal remedy under the statute.

4. By way of reply, learned counsel for the petitioner submitted that since the impugned order is a non-speaking order and it has not considered the objections given by the petitioner, only the writ petition is the efficacious remedy.

5. This Court, on perusing the records, finds that the plea raised by the petitioner is not in consonance with the revenue records maintained by the Government and therefore, the impugned order has been passed. If at all the petitioner is aggrieved by the impugned order, he has a statutory appeal remedy under Section 10 of the Tamil Nadu Land Encroachment Act, 1905, which he has to explore and the writ petition is not maintainable. Hence,



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without making any observation with regard to the right of the petitioner over the subject land, this writ petition is dismissed. However, liberty is granted to the petitioner to exercise his right under Section 10 of the Tamil Nadu Land Encroachment Act, 1905, seeking appropriate remedy before the appropriate authority. If there is any delay on the part of the petitioner in filing the appeal, the authority concerned shall take into consideration the time spent by him in filing the present writ petition for reckoning the period of limitation. No costs. Consequently, connected miscellaneous petitions are closed.

[G.J., J.]

[K.K.R.K., J.]

10.12.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

1.The District Collector,
Tuticorin District,
Tuticorin.

2.The Tahsildar,
Thiruchendur Taluk,
Tuticorin District.



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