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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.12.2025**

CORAM:

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

W.P.(MD)No.36329 of 2025
and
W.M.P.(MD)No.28907 of 2025

Alagumani

... Petitioner

Vs.

- 1.The District Collector,
At Madurai, Madurai District.
- 2.The Tahsildar of Peraiyur,
At Peraiyur, Madurai District.
- 3.The Village Administrative Officer,
Jambalapuram, Sedapatti Post,
Peraiyur Taluk, Madurai District.
- 4.The Block Development Officer,
Sedapatti, Peraiyur Taluk,
- 5.The Head Surveyor,
At Peraiyur, Peraiyur Taluk,
Madurai District.
- 6.Block Surveyor,
At Sedapatti, Peraiyur Taluk,
Madurai District.

... Respondents



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PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent notices in Na.Ka.No.0866/2025/C2, dated 20.05.2025, its subsequent notice in Na. Ka. No. 0866/2025/C2, dated 16.06.2025, issued by the Thasildhar, Peraiyur, under Sections 7 and 6 of the Tamil Nadu Land Encroachment Act, 1905 and subsequent Memo in Na. Ka. No.0726/2025/C2, dated 25.10.2025, quash the same, and consequently direct the respondents not to interfere with the petitioner's peaceful possession and enjoyment of his property without conducting a proper survey and enquiry in accordance with law.

For Petitioner : Mr.P.Rajalingam
For Respondents : Mr.S.P.Maharajan (R1 to R3, R5 & R6)
Special Government Pleader
Mr.D.Sasi Kumar (R4)
Additional Government Pleader

ORDER

(Order of the Court was made by **DR.G.JAYACHANDRAN, J.**)

The petitioner, herein being aggrieved by the notice issued under Section 6 of the Land Encroachment Act for removing encroachment after filing due process of law, is before this Court stating that he has not encroached upon the Panchayat road.

2.However, the report of the Tahsildar clearly indicates that the petitioner has encroached around 50 sq.meters of the Panchayat road. If



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at all the petitioner is aggrieved by the notice issued under Section 7 of the Land Encroachment Act, he has to explore his remedy by way of a statutory appeal available under Section 10 of the Land Encroachment, instead he has approached this Court.

3.We therefore dismiss this writ petition without expressing any opinion about the impugned order with liberty to the petitioner to approach the appellate authority/District Collector under Section 10 of the Land Encroachment Act and prefer an appeal, if so advised. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

[G.J., J.] & [K.K.R.K., J.]
18.12.2025

Index :Yes/No
Internet :Yes
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DR.G. JAYACHANDRAN, J.
AND
K.K. RAMAKRISHNAN, J.

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