



WP(MD)No.35556 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.12.2025

CORAM :

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

**WP(MD)No.35556 of 2025 and
WMP(MD)No.28216 & 28218 of 2025**

1. Aandiyappan
2. Nallupillai
3. Dineshkumar
4. Karuppiah
5. Janaki
6. Visalatchi
7. Aarumugam
8. Senthilkumar

... Petitioners

Vs

1. The District Collector,
District Collectorate Building,
Madurai-625 020.
2. The Revenue Divisional Officer,
Irrigation Tank,
Vellaripatti, Melur,
Madurai-625 122.



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3. The Thasildar,,
Melur Main Road,
Melur, Madurai-625 106.

4. The Revenue Inspector,,
Karungalkudi, Melur Taluk,
Madurai District..

... Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorari calling for the records of the proceeding of notice dated 28/11/2025 issued by the 3rd respondent in respect of survey number 1 (49.13.00 hectare) at Boodamangalam village Karungalkudi village Melur Taluk Madurai District and quash the same.

For Petitioners : Mr.N.Vallinayagam
For Respondent : Mr.SRA.Ramachandran
Additional Government Pleader

ORDER

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

The petitioners herein, on receipt of a notice under Section 6 of the Tamil Nadu Land Encroachment Act 1971 (hereinafter referred to as 'the Act'), are before this Court contending that a joint notice issued under Section 6 of the Act without following due process of law to be quashed.

2. According to the learned counsel for the petitioners, the impugned notice dated 28.11.2025 issued under Section 6 of the Act by the Tahsildar, Melur, was passed without affording an opportunity and following due process



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as contemplated under Section 7 of the Act. The learned counsel relying upon a judgment of the Hon'ble Supreme Court in ***Asit Kumar Kar v. State of West Bengal and others (Writ Petition (Civil) No.110 of 2008)*** submitted that it is a basic principle of natural justice that no adverse orders should be passed against a party without hearing him. This is the fundamental principle of natural justice and it is a basic canon of jurisprudence.

3. The learned Additional Government Pleader submits that the impugned notice is passed only after following due process of law. The petitioners were earlier issued notice under Section 7 of the Act on 27.10.2025 considering the representation and the order under Section 6 was issued on 28.11.2025. If at all the writ petitioners are aggrieved by the said order, statute provided for appeal under Section 10 of the Act and they have to resort to the appeal remedy available under the Statute.

4. In the considered view of this Court, when there is effective appeal remedy and the record shows that the order under Section 6 has been passed after due compliance of the procedure contemplated under the Act, the petitioners' right of redressal is available under Section 10 of the Act and the writ jurisdiction cannot be invoked. Accordingly, with the said observation, the



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writ petition stands dismissed. No costs. Consequently connected

Miscellaneous Petitions are closed.

(G.J, J.) (K.K.R.K, J.)
11.12.2025

Index : Yes / No
Neutral Citation : Yes / No

RR

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DR.G.JAYACHANDRAN, J
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K.K.RAMAKRISHNAN, J.

RR

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