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W.P.(MD) No.36309 of 2025

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.36309 of 2025
and
W.M.P.(MD) Nos.28890 & 28892 of 2025**

1.Veeran

2.Periyakodangi

... Petitioners

-vs-

1.The District Collector
District Collectorate Building
Madurai-625 020

2.The Revenue Divisional Officer
Irrigation Tank
Vellarippatti, Melur
Madurai-625 122

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

4.The Revenue Inspector
Karungalkudi
Melur Taluk, Madurai District

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records of the proceeding of 28.11.2025 dated notice issued by the third respondent in respect of survey number 178 (59.08.00 hectare) at Kallangadu, Karungalkudi Post, Vanchinagaram, Melur Taluk, Madurai District and quash the same.

For Petitioners : Mr.N.Vallinayagam

For Respondents : Mr.J.Ashok
Additional Government Pleader

ORDER

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

Mr.J.Ashok, learned Additional Government Pleader, takes notice for the respondents.

2. The petitioners herein, on receipt of an order under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 (hereinafter, referred to as 'the Act'), are before this Court contending that the joint order passed under Section 6 of the Act without following due process of law has to be quashed.



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3. According to the learned counsel for the petitioners, the impugned order dated 28.11.2025, under Section 6 of the Act by the Tahsildar, Melur, was passed without affording an opportunity and following due process as contemplated under Section 7 of the Act. Learned counsel relying upon a Judgment of the Honourable 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.

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



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5. In the considered view of this Court, when there is an effective appeal remedy and the records show that the impugned order under Section 6 of the Act 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.

6. Further, this Court, by an order dated 11.12.2025, has dismissed the similar writ petition in W.P.(MD) No.35556 of 2025 and directed the petitioners therein to invoke the appeal remedy available under Section 10 of the Act.

7. Accordingly, this writ petition stands dismissed. No costs. Consequently connected miscellaneous petitions are closed.

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

18.12.2025

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

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