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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-01-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

WP No. 1658 of 2026

S.Ramkumar

..Petitioner(s)

Vs

1. The District Collector
Collectorate office building,
Cuddalore District 607 001
2. The Revenue Tahsildar
Srimushnam
Cuddalore district 608 703
3. The Block Development Officer,
Srimushnam
Cuddalore district 608 703

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India issuing Certiorarified Mandamus, calling for the records of the respondents, especially the 2nd respondent his eviction notice proceedings made in Na.Ka.No. A1/ 133/ 2024 dated 16.12.2025 and quash the same as null and void illegal and invalid and direct the 2nd and 3rd respondents to conduct a property enquiry with due process of law.

For Petitioner(s):

Mr.D.Padmanabhan

For Respondent(s):

Mr.T.Arunkumar

Additional Government Pleader for R1&2



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ORDER
(Order of the Court was made by S.M.Subramaniam J.)

Writ on hand has been instituted challenging the notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 (hereinafter referred to as the "Act").

2. No writ against show-cause notice is entertainable, unless such notice has been issued by an incompetent authority having no jurisdiction.

3. Learned counsel for the petitioner would submit that impugned notice is a decision taken. Therefore, the same cannot be construed as show-cause notice.

4. Learned Additional Government Pleader would submit that present writ petition is a second round of litigation. Petitioner earlier filed W.P.No.10493 of 2024, challenging the notice issued by the Executive Authority under Section 131 of the Panchayat Act. However, this Court has directed the authority to afford opportunity and follow the procedure. Thus, report was submitted by the Executive Authority to the Jurisdictional Tahsildar, who in-turn initiated action for eviction by invoking the provision of the Act.



5. Scheme of the Act is unambiguous. Summary eviction is contemplated under Section 6 of the Act. However, a prior notice under Section 7 is mandatory before initiating enforcement action for summary eviction of encroachers under Section 6 of the Act. The encroachers, who received the notice is entitled to submit explanations along with the documents, if any. On receipt of any such explanation, competent authority is bound to look into the same and take a final decision and issue final notice under Section 6 of the Act. Thereafter, enforcement actions are to be commenced for eviction of encroachers. Section 10 contemplates appeal to the District Collector. This being the scheme, the present writ petition filed challenging the final notice issued under Section 7 of the Act is not maintainable.

6. Granting liberty to the petitioner to submit an explanation along with the documents, if any, to the authority, the present writ petition is dismissed. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

(S.M.S.,J.) (C.K.,J.)
20-01-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

1. The District Collector
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607 001
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Srimushnam Cuddalore district 608 703
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**S.M.SUBRAMANIAM, J.
AND
C.KUMARAPPAN, J.**

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