



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-04-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

WP Nos. 35145 to 35150 of 2005

WP.No.35145 of 2005:

A.V.K. Varadharajan

..Petitioner(s)

Vs

1. The District Collector,
Salem.
2. The Revenue Divisional Officer
Salem.
3. The Tahsildar,
Salem.
4. The Revenue Inspector,
Vembadithalam, Salem.
5. The Executive Engineer,
Public Works Department(pwd),
Water Resources Conservation Organisation,
Sarabanga Division, Namakkal-637 001.
[R5-impleaded As Per Order
dated 31.01.2018 In Wmps.2360 To
2368/2018 In Wps.35145 To 35149, 35152,
35153, 35156 & 35157/2005.]

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India issuing writ of certiorarified mandamus, calling for records of the 4th respondent comprised in his notice dated 03.10.2005, quash the same as illegal, unconstitutional, ultra vires the provisions of the Land Encroachment Act, 1905 and consequently direct the respondents to issue patta to the petitioner's land comprised in S.No.23/3, D.No.8-1/297, Santhaipettai Road, Ilampillai Village,



Salem admeasuring 000.5 acres.

For Petitioner(s): Mr.Rahul Balaji
For Respondent(s): Mr.T.Arunkumar
Additional Government Pleader

COMMON ORDER

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

The present writ petitions have been instituted challenging the show cause notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 (For brevity, hereinafter referred to as 'Act')

2. No writ against the show cause notice is entertainable, unless such notice has been issued by an incompetent authority having no jurisdiction. Petitioners, instead of submitting their explanation along with the documents, if any, have chosen to file writ petitions by raising certain grounds on merits, which cannot be adjudicated by the High Court in exercise of the powers of judicial review in writ proceedings.

3. Curiously, writ petitions challenging the show cause notice instituted in the year 2005 were kept pending before this Court for the past about 21 years and not listed for a long time. That apart, petitioner enjoyed the benefit of interim order for the past about 21 years, despite the fact that authorities identified the encroachments in the Government land.



4. In view of the facts and circumstances, petitioners are at liberty to submit their representation along with the documents, if any, within a period of two weeks from the date of receipt of a copy of this order. On receipt of any such explanation, the competent authority shall consider the same, take a final decision, and thereafter issued final notice under Section 6 of the Act and proceed with the enforcement action for removal of encroachments, if any, identified. The entire exercise is directed to be completed within a period of three months thereafter.

5. With the above directions, the writ petitions are dismissed. No costs. Consequently, the connected miscellaneous petitioners, if any, are closed.

(S.M.S.,J.) (K.S.,J.)
02-04-2026

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

GD

Note: Registry is directed to type the remaining cause titles.

To

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2. The Revenue Divisional Officer
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Salem.
4. The Revenue Inspector,
Vembadithalam, Salem.



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5. The Executive Engineer,
Public Works Department(pwd),
Water Resources Conservation Organisation,
Sarabanga Division, Namakkal-637 001.



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**S.M.SUBRAMANIAM, J.
AND
K.SURENDER, J.**

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