



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-03-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

WP No. 8056 of 2026

and

WMP No. 8711 of 2026

M.Shanthi
W/o.T.G.Mani,
No.10, Jeeyar Street,
Cheyyar Town and Taluk,
Thiruvannamalai District.

..Petitioner(s)

Vs

1. The District Collector / Appellate Authority
Thiruvannamalai District,
Thiruvannamalai
2. The Tahsildar
Cheyyar Taluk,
Thiruvannamalai District
3. The Block Development officer (Va.vu)
Anakkavur, Cheyyar Taluk,
Thiruvannamalai District

..Respondent(s)

To call for the records from the file of the 1st respondent concerning the impugned order in Ni.Mu. Aa2/ 3534556/ 2025 dated 05.01.2026 and the consequential notice dated 30.01.2026 under section 6 of the Tamil Nadu land Encroachment Act, and notice dated 16.02.2026 and quash the same as illegal and consequentially forbearing the respondents from removing the alleged encroachment said to have been made in the pattai land measuring 14 ares comprised in S.No.306/2 of Erumaivetti village, Cheyyar Taluk till disposal of petitioner representation dated 14.07.2025 to the



1st respondent

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For Petitioner(s): Mr.C.Ravichandran,
for mr.S.B.Viswanathan

For Respondent(s): Mr.T.Arunkumar,
Addl.G.P. for R1 to R3

ORDER

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

The present writ petition has been instituted challenging the proceedings of the District Collector, Tiruvannamalai, dated 05.01.2026.

2. It is not in dispute between the parties that the petitioner encroached upon “cart track” and thereby, caused obstruction to the farmers and people of that locality to utilise the cart track which has been recorded in the revenue records. Cart track, even if it falls within patta land, it is to be maintained only as a cart track for the benefit of the people at large as per the Revenue Standing Order 26(15). The competent authority, admittedly, issued show cause notice under Section 7 of the Tamilnadu Land Encroachment Act, 1905. After affording an opportunity to submit explanation and on identification of encroachment in the cart track, final notice under section 6 came to be issued. The petitioner preferred a statutory appeal under Section 10 of the Tamilnadu Land Encroachment Act on 16.6.2025. The said appeal came to be disposed of by the District Collector, Tiruvannamalai, by proceedings dated 05.10.2026, which is under challenge in the present writ proceedings.



3. Learned counsel for the petitioner would mainly contend that the petitioner earlier filed W.P.No.21937 of 2025 seeking a direction to the District Collector to dispose of the stay petition and the appeal dated 16.06.2025. This Court disposed of the writ petition on 18.06.2025, recording that statutory appeal before the District Collector being appeal dated 16.06.2025 and stay petition will stand withdrawn. Relying on the said recording in the writ order dated 18.06.2025, the learned counsel would contend that the present impugned order has been passed in the appeal filed by the petitioner which had been withdrawn by this Court. Thus, once again, the matter is to be remitted back to the District Collector for fresh adjudication and to pass orders.

4. Learned Additional Government Pleader would oppose by stating that though this Court recorded that the appeal petition dated 16.06.2025 has been withdrawn, the petitioner participated in the process of enquiry before the District Collector and having participated, now she cannot turn around and pray for remand of the matter.

5. This Court has considered the rival submission raised between the parties to the lis.

6. Uncontroverted facts between the parties would show that the cart track earmarked for the benefit of the farmers belonging to three villages are



utilising the cart track for transporting agricultural items through bullock cart, tractors etc. and obstructions are being caused by the petitioner and infringing the right of the farmers in that locality to carry out their agricultural activities in a peaceful manner. On the complaint received from the farmers from three villages, the revenue authorities initiated enforcement action. Notice under section 7 of the Tamilnadu Encroachment Act was issued and after affording opportunity, final notice under section 6 was issued. The only ground now raised is that the appeal petition filed by the petitioner dated 16.06.2025 has been recorded as withdrawn in a writ petition order dated 18.06.2025 filed by the petitioner.

7. This Court is of the considered view that despite recording that the appeal dated 16.06.2025 has been withdrawn, the petitioner, admittedly, participated in the enquiry conducted by the District Collector. Paragraph Nos.4 and 5 of the order impugned would clarify that the petitioner and the concerned officials participated in the enquiry conducted by the District Collector on 17.10.2025. The findings of the District Collector would show that the farmers from three villages are utilising the cart track for irrigation purposes. That being the factum, allowing such encroachment would deprive the farmers of that locality to carry on their agricultural activities in a peaceful manner. This being the findings of the District Collector, now, the petitioner cannot turn around and say that the appeal petition has been withdrawn and therefore, once again, the matter is to be remanded back to the District



Collector for fresh adjudication. Remanding the matter back to the District Collector would be a futile exercise, since the Collector has elaborately conducted an enquiry by affording opportunity to all the parties, more specifically, the petitioner also participated in the enquiry and placed her defence statement.

8. That being this factum, this Court does not find any infirmity in the order impugned. Therefore, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.,J.) (K.S.,J.)
02-03-2026

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

VSI

To

1. The District collector / Appellate Authority
Thiruvannamalai District,
Thiruvannamalai
2. The Tahsildar
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