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W.P. No. 24833 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2026

CORAM

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

AND

THE HONOURABLE MRS. JUSTICE N. MALA

W.P. No. 24833 of 2026

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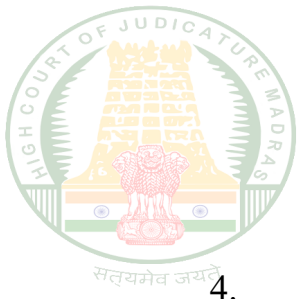
W.M.P. No. 27080 of 2026

Mrs.M. Kavitha

..Petitioner

Vs.

1. The State of Tamil Nadu,
rep. by its Secretary to Government,
Department of Revenue,
Fort St. George,
Chennai.
2. The District Collector,
Collectorate Building,
Erode – 638 011,
Erode District.
3. The District Revenue Officer,
Collectorate building,
Erode – 638 011,
Erode District.



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The Revenue Divisional Officer,
Brough Road,
Erode – 638 001.

5. The Revenue Tahsildar,
O/o. Tahsildar,
Erode Taluk,
Erode District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issue of a Writ of Certiorari to call for the records comprised in eviction notice dated 17.01.2026 under Tamil Nadu Land Encroachment Act 111 of 1905 Section 7, on the file of the 5th respondent/The Tahsildar, Erode, and the consequential notice dated 06.02.2026 on the file of the 5th respondent/The Tahsildar, Erode, quash the same as illegal.

For Petitioner :: Mr.V. Kadhirvelu

For Respondents :: Mr.K. Surendar
Govt. Advocate

O R D E R

(Made by **DR. G. JAYACHANDRAN,J.**)

The petitioner herein, who received a notice under Section 6 of Tamil Nadu Land Encroachment Act, (hereinafter referred to as ‘the Act’) is before this Court, challenging the vires of the said notice.



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2. According to the learned counsel appearing for the

petitioner, based on the orders passed in W.P. No. 17190 of 2023 filed by one Karunanithi, one of the residents, the impugned notice came to be issued as if the petitioner has encroached upon “நிலவியல் வாய்க்கால்” in Survey No. 48/2 whereas the petitioner has purchased the property from her vendors through sale deed dated 18.08.2015 registered before SRO, Bhavani and put up construction over it, as per the document. While so, Survey No. 48/2, which is situated on a higher level when compared to Survey Nos. 55 and 135, has been wrongly shown as “நிலவியல் வாய்க்கால்” and the impugned notice has been issued based on an erroneous classification. Learned counsel further submitted that since Survey No. 48/2 is on a higher level, the allegation or apprehension that the flood water or sewage water will enter into nearby residences is baseless. He also submitted that after receiving the impugned notice under Section 6 of the Act issued by the Tahsildar, the petitioner has given a representation to the District Collector to delete the entry “நிலவியல் வாய்க்கால்” as against Survey No. 48/2 in the revenue record and drop action. The said representation has been forwarded to the Revenue Divisional Officer, Erode, for necessary action. In the meanwhile, the



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petitioner apprehends that her peaceful possession will be disturbed pursuant to the impugned notice dated 06.02.2026 issued under Section 6 of the Act.

3. Learned Government Advocate, appearing for the respondents submitted that though no formal appeal under Section 10 of the Act has been preferred by the petitioner, the representation of the petitioner has been treated as an appeal and the District Collector has already forwarded the representation to the Revenue Divisional Officer, Erode for enquiry and appropriate action.

4. On perusing the records, we find that as per the revenue records, Survey No. 48/2 has been classified as "நிலவியல் வாய்க்கால்", which means it is a water canal meant to carry water from pond to fields. Now, it is reported that the fields are converted into residential plots and the petitioner is one of the owners of the residential plots and she had put up construction. Notice issued to the petitioner, pursuant to the direction of this Court in the earlier writ petition, reveals that a portion of the construction put up by the petitioner herein is encroached upon "நிலவியல் வாய்க்கால்" in Survey No. 48/2. In such circumstances, the petitioner has to work out her remedy as contemplated under the statute. The writ petition challenging Section 6



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notice, for the reasons stated above, is not sustainable.

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5. As pointed out by the learned Government Advocate, the representation of the petitioner has now been taken note of by the District Collector and the same has been forwarded to the Revenue Divisional Officer for enquiry and report. In such circumstances, suffice to direct the District Collector to treat the said representation as an appeal under Section 10 of the Act and follow the procedure as contemplated under the Act and pass appropriate orders.

6. The writ petition is dismissed with the above direction.
No costs. Connected W.M.P. is closed.

(Dr.G.J.J.) (N.M.J.)
30.06.2026

nv

To

1. The Secretary to Government,
Department of Revenue,
Fort St. George,
Chennai.
2. The District Collector,
Collectorate Building,
Erode – 638 011,
Erode District.

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