



W.P.No.12635 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

W.P.No.12635 of 2026

A.Rajagopal
S/o.Azhagappan

... Petitioner

VS.

1. The District Collector
Salem,
Salem District.
2. The District Revenue Officer
Salem,
Salem district.
3. The Revenue Divisional Officer,
Salem
Salem District.
4. The Tahsildar
Edappadi Taluk
Salem District.
5. The Block Development Officer
Konganapuram Panchayat Union
Salem District.

... Respondents

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Writ Petitions filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the respondents 1 to 5 not to take any proceedings in furtherance to the notice under Section 6 of the Tamil Nadu Act 3 of 1905 issued by the 4th respondent dated 24.06.2025 and consequential notice issued by the 5th respondent in Na.Ka.No.1870/2025/A2 dated 12.01.2026 until the disposal of the statutory appeal filed by the petitioner under Section 10 of the Tamil Nadu Act 3 of 1905 before the 1st respondent on 25.02.2026.

For Petitioner : Mr.A.Saravanan

For Respondents : Mr.T.Arun Kumar
Additional Government Pleader
for R1 to R4
Mr.R.Kumaravel
Additional Government Pleader,
for R5

ORDER

[Made by **S.M.SUBRAMANIAM, J.,**]

The relief sought for in the present writ petition is to direct the respondents not to take any proceedings in furtherance of the notice issued under Section 6 of “the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)” {hereinafter “1905 Act” for the sake of brevity}



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by the 4th respondent dated 24.06.2025 and the consequential notice issued by the 5th respondent in Na.Ka.No.1870/2025/A2 dated 12.01.2026, until the disposal of the statutory appeal filed by the petitioner under Section 10 of the 1905 Act before the 1st respondent on 25.02.2026.

2. The learned counsel for the petitioner would submit that pursuant to the show cause notice issued under Section 7 of the 1905 Act, the petitioner submitted a representation and a final decision under Section 6 came to be issued. Challenging the said notice, the petitioner preferred an appeal before the District Revenue Officer, Salem. The petitioner, now seeks a direction for the disposal of the said appeal.

3. The learned Additional Government Pleader would submit that the appeal under Section 10 of the 1905 Act would lie before the District Collector, however, the petitioner has not preferred it before the competent authority.

4. Granting liberty to the petitioner to prefer an appeal under Section 10 of the 1905 Act, before the District Collector, the present writ petition stands disposed of. In the event of the petitioner preferring such an appeal,



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the District Collector shall entertain the same without reference to the period of limitation and decide the issue on merits and in accordance with law.

There shall be no order as to costs.

(S.M.S.,J.) (K.S.,J.)
01.04.2026

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

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To

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2. The District Revenue Officer
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Salem District.
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**S. M. SUBRAMANIAM, J.,
and
K. SURENDER, J.,**

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