



WEB COPY



W.P.No.12503 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.12503 of 2026

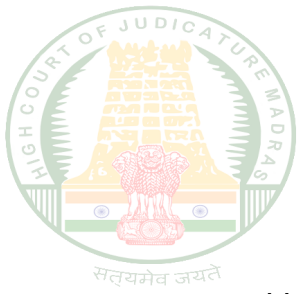
K.Kanagaraj
S/o.Late Kariyan

... Petitioner

vs.

1. The District Collector
Namakkal District.
2. The Tahsildar
Sendhamangalam Taluk
Namakkal District.
3. The Village Administrative Officer
Varadharajapuram Village
Sendhamangalam Taluk
Namakkal District.
4. The Tamil Nadu Information Commission
Rep. By its Registrar
Block No.19, Government Farm Village
Nandanam, Chennai-600 035.

... Respondents



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Writ Petitions filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in Na.Ka.No.5703/2025/B1 dated 13.03.2026, quash the same and consequently, forbearing the respondents from interfering with the peaceful possession and enjoyment of the house property situated at New S.No.390/9 (Old Survey No.30/1) of the Kasthuripatti Village, Sendhamangalam Taluk, Namakkal District, pending disposal of the civil suit in O.S.No.10 of 2025 on the file of the District Munsif Court, Sendhamangalam.

For Petitioner : Mr.S.Saravankumar

For Respondents : Mr.T.Arun Kumar
Additional Government Pleader
for R1 to R3

ORDER

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

The only grievance of the writ petitioner is that before issuing a show cause notice under Section 7 of “the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)” {hereinafter “1905 Act” for the sake of brevity}, a final notice under Section 6 of the 1905 Act was issued, thereby, depriving the petitioner of the opportunity to submit his explanation defending his case.

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2. The learned Additional Government Pleader would submit that the

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said Section 6 notice may be treated as Section 7 show cause notice to enable the petitioner to submit his explanation along with documents, if any, since there is no reference in the final notice regarding the show cause notice issued under Section 7 of the 1905 Act.

3. In view of the above facts and circumstances, the notice issued under Section 6 of the 1905 Act on 09.01.2025 is treated as a show cause notice under Section 7 of the 1905 Act and the petitioner is at liberty to submit his explanation along with documents, if any, within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the authorities shall consider the explanation, if any, submitted and take a final decision by issuing a notice under Section 6 of the 1905 Act and thereafter, proceed with the enforcement actions, if any encroachment is identified.

4. With these directions, the Writ Petition stands disposed of. 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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**S. M. SUBRAMANIAM, J.,
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K. SURENDER, J.,**

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