



W.P.(MD) No.262 of 2026

WEB COPY **BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 07.01.2026

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
and
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

**W.P.(MD) No.262 of 2026
and
W.M.P.(MD) No.271 of 2026**

Malaisamy

... Petitioner

-vs-

1.The District Collector
Madurai District

2.The Revenue Divisional Officer
Usilampatti Sub-Division
Madurai District

3.The Tahsildar
Usilampatti Taluk
Madurai District

4.The Revenue Inspector
Theppathupatti
Karumathur Firka
Usilampatti Taluk
Madurai District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari to call for the entire records relating to the impugned eviction notice under Section 6 of Encroachment Act 1905 issued by the 3rd



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respondent dated 26.12.2025 in respect of Survey No.61/84 to an extent of 0.00.90 Ares situated at Theppathupatti, Eravarpatti Village, Usilampatti Taluk, Madurai District, and to quash the same as illegal, arbitrary, without jurisdiction.

For Petitioner : Mr.S.Prabhu

For Respondents : Mr.S.R.A.Ramachandran
Additional Government Pleader

ORDER

[Order of the Court was made by DR.G.JAYACHANDRAN, J.]

It is the case of the petitioner that he is in occupation of the subject land, which is a natham land, since 2005 and he has put up a residential house thereon and has obtained electricity service connection to the said house and he has also been regularly paying property tax. While so, the Tahsilar, Usilampatti Taluk, has issued the impugned notice dated 26.12.2025, under Section 6 of the Tamil Nadu Land Encroachment Act, 1905. Challenging the same, the petitioner has filed this writ petition.

2. From the typed set of papers, we find that on 15.12.2025, the petitioner gave his objection / representation seeking for issuance of patta to the subject land, when the notice under Section 7 of the Tamil Nadu Land



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Encroachment Act, 1905, was issued. Therefore, we are of the view that when the objection / representation, dated 15.12.2025, for issuance of patta in respect of the subject property is pending, the impugned notice under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, has been issued.

3. In view of the above, the impugned notice dated 26.12.2025, issued by the Tahsildar, Usilampatti Taluk, under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, is hereby quashed and the Tahsildar, Usilampatti Taluk, is directed to consider the petitioner's objection / representation dated 15.12.2025 seeking for issuance of patta on merits and thereafter, proceed further in accordance with law.

4. With the above observation, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[G.J., J.]

[K.K.R.K., J.]

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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