



W.P.(MD)No.3399 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.02.2026

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.3399 of 2026
&
W.M.P.(MD)No.3399 of 2026

Gangatharan

... Petitioner

Vs.

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Tahsildar,
Orathanadu Taluk,
Thanjavur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned notice in Na.Ka.12055/2020/Aa2 dated 27.01.2026 issued by the 2nd respondent quash the same as illegal.

For Petitioner :Mr.A.N.Ramanathan

For Respondents :Mr.S.Vinodh
Government Advocate



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ORDER

The petitioner herein earlier filed W.P.(MD)No.21635 of 2025. The said writ petition was disposed of by us on 07.08.2025 in the following terms:-

“2. The petitioner suffered an order under Section 6 of the Land Encroachment Act. It is beyond dispute that the petitioner is in occupation of the petition mentioned water body. Another encroacher by name Ramesh filed an appeal before the District Collector, Thanjavur under Section 10 of the Land Encroachment Act. The said appeal was dismissed vide order dated 20.03.2025. In the said appeal proceedings, the writ petitioner herein was also called for enquiry. The writ petitioner had made a request for allotment of alternative site / accommodation.

3. Subject to the petitioner filing an affidavit of undertaking that he would vacate within six months from today, we direct the respondents to keep the eviction order in abeyance for the said period. If such an affidavit of undertaking is not filed within three weeks before the Tahsildar, Orathanadu, the eviction order shall be enforced. We also grant liberty to the petitioner to file an application before the first respondent seeking allotment of alternative site / accommodation. If such an application is filed within a period of three weeks from today, the first respondent shall dispose of the application on merits and in accordance with law within a period of two months thereafter. If the writ petitioner is found to be eligible as per norms, his request shall be considered favourably.”



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2. In these circumstances, the petitioner cannot be allowed to challenge the eviction order passed by the Tahsildar, Orathanadu under Section 6 of the Land Encroachment Act. It is also submitted that the petitioner's request for allotment of alternative site was also negatived. If the petitioner is aggrieved by any rejection order, it is open to him to challenge the same in the manner known to law. No relief can be granted in this writ petition. The writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [B.P., J.]
12.02.2026

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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To

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Tahsildar,
Orathanadu Taluk,

3/5



Thanjavur District.

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and

B.PUGALENDHI, J.

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