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W.P.(MD) No.4391 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.02.2026

CORAM:

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

**W.P.(MD) No.4391 of 2026
and
W.M.P.(MD) Nos.3650 & 3652 of 2026**

Solaiyan

... Petitioner

-vs-

1.The District Collector
Pudukkottai District
Pudukkottai

2.The Tahsildar
Thirumayam Taluk
Pudukkottai District

3.The Revenue Inspector
Keelanilai Saragam
Thirumayam Taluk
Pudukkottai District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records pertaining to the impugned order passed by the pertaining to the impugned eviction notice



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dated 05.09.2025 passed by the 3rd respondent quash the same and further direct the respondents not to evict the petitioner and his family from his tiled house situated at Indira Nagar, Nedunkudi Village, Thirumayam Taluk, Pudukkottai District.

For Petitioner : Mr.N.Senthil Kumar

For Respondents : Mr.J.Ashok
Additional Government Pleader

ORDER

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

The petitioner herein claiming that he is in possession and enjoyment of a property comprised in Survey No.199/12 of Nedungudi Village, measuring an extent of 11 sq.meter, is before this Court being aggrieved by the notice, dated 05.09.2025, issued by the third respondent, under Section 7 of the Tamil Nadu Land Encroachment Act, 1905.

2. According to the petitioner, after receiving the impugned notice, he submitted an explanation to the Tahsildar on 09.09.2025 in person. However, the Tahsildar refused to receive the explanation submitted by him.



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The petitioner apprehends that without considering his explanation, the authorities concerned are trying to proceed further with the matter.

3. Mr.J.Ashok, learned Additional Government Pleader, who takes notice for the respondents, on instructions, submits that for the impugned notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, the petitioner has not given any explanation. But, in the meanwhile, in a public interest litigation, this Court has directed the authorities concerned to remove the encroachment made by the petitioner and pursuant to the said direction, action is being taken for removal of encroachment. Since no explanation was submitted by the petitioner to the Section 7 notice, a notice under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, has been issued on 17.10.2025 and the same has been received by the wife of the petitioner herein. If at all the petitioner is aggrieved by the Section 6 notice, he should prefer an appeal before the Appellate Authority under Section 10 of the Tamil Nadu Land Encroachment Act, 1905. Instead of exploring the statutory appeal remedy, the petitioner has filed this writ petition by suppression of the vital fact challenging the impugned Section 7 notice, which has now been superseded by Section 6 notice.



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4. A perusal of the records produced by the learned Additional Government Pleader clearly shows that no explanation was given by the petitioner on receipt of the impugned Section 7 notice. The petitioner has also been served with Section 6 notice, when the date on which this writ petition was filed. Suppressing the said fact, the petitioner has knocked at the doors of this Court with unclean hands. The petitioner has to work out his remedy in the manner known to law. The prayer in this writ petition is not maintainable. Hence, we are not inclined to entertain this writ petition.

5. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

[G.J., J.]

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

17.02.2026

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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