



W.P.(MD) No. 4609 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.02.2026

CORAM:

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

W.P.(MD) No. 4609 of 2026
and
W.M.P.(MD) No.3882 of 2026

Sakthivel

... Petitioner

Vs

1. The District Collector,
Dindigul District,
Dindigul.

2. The Tahsildar,
O/o.Gujiliyamparai Taluk Office,
Gujiliyamparai Taluk,
Dindigul District.

3. K.Chelladurai

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining of the show cause notice issued by the 2nd respondent dated 07.02.2026 and quash the same as illegal.



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W.P.(MD) No. 4609 of 2026

For Petitioner : Mr.M.Vivek
For R1 & R2 : Mr.J.Ashok
Additional Government Pleader

ORDER

(Order of the Court was made by **DR.G.JAYACHANDRAN, J.**)

This writ petition is filed challenging the notice issued under Section 6 of the Land Encroachment Act, 1905, on the ground that the toilet constructed on the Government land classified as a street is not obstructing the public and the petitioner and others have been using the same for the past 40 years. If the said toilet is removed without providing alternate toilet facilities, the petitioner and others will be put to grave inconvenience.

2. The learned Additional Government Pleader submits that the impugned order was issued pursuant to the direction of this Court in W.P. (MD) No.16115 of 2023 dated 26.08.2025 in which the petitioner is also one of the respondents. The contention raised by this petitioner in that writ petition has already been considered by the Division Bench of this Court in the aforesaid writ petition and following order was passed:



W.P.(MD) No. 4609 of 2026

WEB COPY

"3. Curiously, the Revenue Tahsildar, Gujiliyamparai has given a written instruction to the learned Government Pleader vide proceeding dated 03.07.2023. Though he has admitted the fact that the subject toilets were constructed in government land classified as "street". He says that the toilets are not causing any obstruction to the public. Such a finding by the Tahsildar in favour of the sixth respondent, who is a retired Tahsildar raises serious doubt on the conduct Mr.K.Ramesh, then Revenue Tahsildar, Gujiliyamparai, Dindigul District.

4. As far as the encroachment is concerned, the authorities have admitted that the toilets are constructed in the government land, which is classified as "street" and the learned Additional Government Pleader would submit that actions are to be initiated to remove the encroachment and demolish the unauthorised construction.

5. In view of the fact that the second respondent/Tahsildar is unusually attempting to protect the encroachments in support of the sixth respondent, who is a retired Tahsildar, this court is inclined to direct the District Collector/first respondent to initiate enforcement action through the jurisdictional Tahsildar and all unauthorized constructions and encroachments ought to be removed by following the procedures as contemplated under the statutes and rules. It is needless to state that an opportunity is to be provided to the respondents 6 and 7 to defend their case. The entire exercise is directed to be completed within a period of 12



W.P.(MD) No. 4609 of 2026

WEB COPY

weeks from the date of receipt of a copy of this order."

Therefore, there is no violation of procedure or illegality in the impugned order.

3. Submissions made by the learned counsel for the petitioner and the learned Additional Government Pleader are considered.

4. We find that the toilet sought to be removed is classified as street. From 2023, the issue has been under consideration before the Court and this Court has passed order on 26.08.2025 directing the respondents to remove the illegal construction within twelve (12) weeks from the date of receipt of a copy of that order. Only on 07.02.2026, the respondents have issued impugned notice, after the petitioner in that writ petition has instituted the contempt proceedings.

5. We find that the plea of the petitioner that the impugned notice was issued all of a sudden without affording opportunity and time to make alternate arrangement is not correct. From 2023, the issue has been under consideration and even after direction of this Court *vide* order dated 26.08.2025, the petitioner has not made any alternate arrangements



W.P.(MD) No. 4609 of 2026

for his convenience. Hence, we find no merit in this writ petition.

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6. Accordingly, this Writ Petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

[G.J., J.] & [K.K.R.K., J.]
19.02.2026

Index : Yes/No
Internet : Yes
apd

To

1. The District Collector,
Dindigul District,
Dindigul.

2. The Tahsildar,
O/o.Gujiliyamparai Taluk Office,
Gujiliyamparai Taluk,
Dindigul District.



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W.P.(MD) No. 4609 of 2026

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AND
K.K. RAMAKRISHNAN, J.

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W.P.(MD) No. 4609 of 2026

19.02.2026