



W.P(MD)No.4732 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 26.02.2026

CORAM

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

**W.P(MD)No.4732 of 2026
and
W.M.P(MD)No.3960 of 2026**

S.Pandi @ Pandian

... Petitioner

Vs.

1.The District Collector,
Collectorate,
Sivagangai.

2.The Tahsildar,
Thiruppathur Taluk,
Sivagangai District.

3.The Regional Deputy Tahsildar,
Thiruppathur Taluk,
Sivagangai District.

4.The Block Development Officer,
Kallal,
Sivagangai District.
Madurai.

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the third respondent dated 07.02.2026, quash the same.

For Petitioner : Mr.A.Balaji
For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader

ORDER

Heard both sides.

2.The petitioner challenges the notice issued by the Zonal Deputy Tahsildar, Thiruppathur under Section 7 of the Land Encroachment Act, 1905. Normally, a notice issued under the said provision is not amenable to challenge. But a mere look at the impugned communication indicates that it is more in the nature of a final order. Section 7 contemplates the issuance of show cause notice. Section 7 of the Land Encroachment Act, 1905 reads as follows:

“7. Prior notice to person in occupation.

- Before taking proceedings under section 6 the Collector or Tahsildar, or Deputy Tahsildar or Revenue Inspector or any authorized officer or any other officer specified by the State Government in this behalf (not being an authorised officer) (hereinafter referred to as the 'specified officer') as the case may



W.P(MD)No.4732 of 2026

be shall cause to be served on the person reputed to be in unauthorised occupation of land being the property of Government a notice specifying the land so occupied and calling on him to show cause before a certain date why he should not be proceeded against under section 6.

Such notice shall be served in the manner prescribed in section 25 of the Tamil Nadu Revenue Recovery Act, 1864 or in such other manner as the State Government by rules or orders under section 8 may direct:

Provided that no such notice shall be necessary in the case of any person unauthorisedly occupying any land, if he has been previously evicted from such land under section 6 or if he has previously vacated such land voluntarily after the receipt of a notice under section 5-B or under this section:

Provided further that where the notice under this section is caused to be served by any Revenue Inspector or any specified officer he shall require the person reputed to be in unauthorised occupation of the land to show cause against such notice to the Collector, Tahsildar or Deputy Tahsildar or authorised officer having jurisdiction, as the case may be and shall also make a report in writing containing such particulars as may be specified in rules or orders made under section 8 to the Collector, Tahsildar, Deputy Tahsildar or authorised officer having jurisdiction, as the case may be.”



W.P(MD)No.4732 of 2026

3.The impugned notice is not in consonance with the statutory requirement. We, therefore, hold that the impugned communication shall be treated as a show cause notice. The petitioner is granted four (4) weeks from today to offer his explanation. Thereafter, final order shall be passed after holding enquiry under Section 6 of the Act. In other words, the impugned notice shall not be enforced as such. Before passing the final order, the authority is obliged to take into account the writ petitioner's objections / explanations.

4.This Writ Petition is disposed of accordingly. No costs.
Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [B.P., J.]
26.02.2026

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
MGA

To

1.The District Collector,
Collectorate,
Sivagangai.

4/6



W.P(MD)No.4732 of 2026

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W.P(MD)No.4732 of 2026

G.R.SWAMINATHAN, J

and

B.PUGALENDHI, J.

MGA

W.P(MD)No.4732 of 2026

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