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W.P.(MD) No.5087 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.02.2026

CORAM:

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

**W.P.(MD) No.5087 of 2026
and
W.M.P.(MD) Nos.4281 & 4282 of 2026**

1.V.Balamuthu

2.K.Vallan

... Petitioners

-vs-

1.The District Collector
Trichy District, Trichy

2.The Tahsildar
Srirangam Taluk
Srirangam, Trichy District

3.B.S.Kanagaraj

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records relating to the impugned order passed by the first respondent in his proceedings in Mu.Mu.A1/23621/2025, dated 09.02.2026 and quash the same.



WEB COPY

W.P.(MD) No.5087 of 2026

For Petitioners : Mr.B.Prahalad Ravi

For Respondents : Mr.S.R.A.Ramachandran
Additional Government Pleader for R1 & R2

ORDER

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

This writ petition is filed challenging the order, dated 09.02.2026, passed by the first respondent, under Section 10A of the Tamil Nadu Land Encroachment Act, 1905.

2. Learned counsel for the petitioners submits that the impugned order is a non-speaking order. The grounds of appeal, particularly, pendency of the suit filed by the petitioners herein and another seeking declaration and permanent injunction, raised by the petitioners before the first respondent were not considered. Learned counsel for the petitioners made a strenuous attempt to trace the history of the litigation, wherein the revenue authorities contended that the portion of the land in occupation of the petitioners herein is classified as “Street” in the revenue records, whereas the petitioners herein and other private parties claim that it is their patta land.



WEB COPY

W.P.(MD) No.5087 of 2026

3. The litigative history in respect of the property comprised in Survey Nos.228/15 and 228/25 of South Paganur, Paganur Village, Srirangam Taluk, Trichy District, had commenced as early as in the year 2023 when the revenue authorities took steps to remove the construction put up by the petitioners in the area classified as “Street”. The writ petition in W.P.(MD) No.23171 of 2024 filed by the petitioners herein and another seeking a writ of mandamus forbearing the official respondents from taking any action of removing the structure put up by them in Survey No.228/25 was considered by the Division Bench of this Court in its order dated 26.09.2024 and the said writ petition was disposed of with the following observation:

“It is made clear that the respondents shall proceed strictly in accordance with law, that is, under the provisions of the Tamil Nadu Land Encroachment Act, 1905. If the petitioners are visited with the notice under Section 7 of the Act, it will be open to the petitioners to file their objections and the authorities will consider the objections and pass appropriate orders.”



WEB COPY

W.P.(MD) No.5087 of 2026

4. Thereafter, a notice dated 03.04.2025, under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, was issued by the Tahsildar, Srirangam, to the petitioners to remove the Shed and iron fence put up by them encroaching the Street in Survey No.228/25. The said notice was challenged by the first petitioner herein by filing a writ petition in W.P.(MD) No.10018 of 2025 and the said writ petition was disposed of by this Court vide order dated 08.04.2025 by quashing the Section 6 notice, since it was issued without issuing Section 7 notice, which is re-requisite for issuing Section 6 notice. Subsequently, when Section 7 notice was issued to the petitioners, they submitted a representation in detail and the representation of the petitioners was considered and disposed of by the authority concerned. Thereafter, Section 6 notice was issued on 19.06.2025, by the Tahsildar, Srirangam. Challenging the same, the first petitioner filed a writ petition in W.P.(MD) No.18379 of 2025 contending that the objections given by him to Section 7 notice was not considered and arbitrarily, the Section 6 notice was issued. The Division Bench of this Court, after taking note of the said contention, dismissed the said writ petition, vide order dated 07.07.2025, with an observation that if at all the petitioner is aggrieved in any manner in



W.P.(MD) No.5087 of 2026

WEB COPY

respect of the Section 6 Notice, it is open to him to prefer an appeal under Section 10 of the Tamil Nadu Land Encroachment Act, 1905, before the authority concerned. Pursuant to the said observation, the petitioners herein and another preferred an appeal before the District Collector under Section 10 of the Tamil Nadu Land Encroachment Act, 1905 and in the said appeal, the District Collector has passed the impugned order dated 09.02.2026. Challenging the same, the petitioners have filed this writ petition on the grounds as stated in the earlier writ petitions.

5. Learned counsel for the petitioners drew the attention of this Court to the plaint in O.S.No.1310 of 2022, on the file of the Sub Court, Trichy. The prayer in the said suit is for declaration that the property described in the suit schedule bearing new survey No.228/25, measuring 0.01.95 Hectare, is absolutely owned by the plaintiffs, who are petitioners herein and another and the consequential declaration that the suit property is not a Street.

6. Learned counsel for the petitioners also submitted that in an identical matter i.e., in W.P.(MD) No.14276 of 2025, on 21.05.2025, this Court



W.P.(MD) No.5087 of 2026

WEB COPY

passed a restraining order stating that till the disposal of the suit for declaration, there shall not be any coercive action under the Tamil Nadu Land Encroachment Act, 1905 and therefore, he prays for a similar order in this writ petition.

7. This Court has given anxious consideration to the submissions of the learned counsel for the petitioners.

8. After hearing the learned counsel on either side, we find that this case has a chequered history. The revenue records disclose that the land comprised in Survey No.228/25 is a Street and the encroachment made by the petitioners herein was sought to be removed by following procedures established under law. However, for technical reasons, the same was interfered with by this Court and finally, a specific direction was issued to the respondents to first issue Section 7 notice, consider the objections of the petitioners and thereafter to proceed further with the matter. Accordingly, Section 7 notice was issued to the petitioners. The petitioners submitted their explanation and thereafter, Section 6 notice was issued. However, the Section 6 notice was again challenged by the petitioners by filing a writ petition and



W.P.(MD) No.5087 of 2026

WEB COPY

the said writ petition was dismissed by this Court pointing out that the petitioners have an alternate appeal remedy by preferring an appeal to the District Collector under Section 10 of the Tamil Nadu Land Encroachment Act, 1905. The petitioners have exhausted the alternate appeal remedy by preferring an appeal and now, they have received an adverse order. However, the petitioners have reverted back and they say that no opportunity was given to them and the impugned order passed by the District Collector is a non-speaking order. We do not find any merit in the said submission.

9. The yet another point, which has been highly canvassed by the learned counsel for the petitioners, is that till the pendency of the suit, which the petitioners and another have instituted, the respondents should not take any coercive action. The said plea must be otherwise. Since the area, which is the subject matter of the dispute, is clearly recorded as a Street, the petitioners herein can have any right over that area only if they succeed in the suit. Mere pendency of the suit cannot be a bar or prohibition for the authorities concerned from recovering the Government land, which is under the encroachment of the public. Therefore, we find that this writ petition has to be dismissed.



WEB COPY



W.P.(MD) No.5087 of 2026

10. However, if the petitioners succeed in the suit finally and get a declaration of ownership in respect of the land in survey No.228/25, the official respondents herein are bound to handover the possession of the disputed area to the petitioners herein area in terms of the decree passed in the suit, if any.

11. With the above observations, this writ petition is dismissed.
No costs. Consequently, connected miscellaneous petitions are closed.

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

24.02.2026

(2/2)

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

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To:
1.The District Collector,
Trichy District, Trichy.



W.P.(MD) No.5087 of 2026

WEB COPY

2.The Tahsildar,
Srirangam Taluk,
Srirangam,
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WEB COPY



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