



W.P(MD)No.6136 of 2026

WEB CODE BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.03.2026

CORAM:

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**W.P(MD)No.6136 of 2026
and
W.M.P(MD)Nos.5147 & 5151 of 2026**

Pillaiyar

... Petitioner

vs.

1.The District Collector,
Tenkasi District, Tenkasi.

2.The Revenue Divisional Officer,
Sivagiri Taluk, Tenkasi District.

3.The Tahsildar,
Sivagiri Taluk,
Tenkasi District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India
praying for issuance of a Writ of Certiorarified Mandamus, to call for the
records pertaining to the impugned order of removal of encroachment issued



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by the second respondent vide SVGREV/1794/2024-B2 dated 16.02.2026 and quash the same as illegal, improper, unlawful, unconstitutional and arbitrary and consequently direct the respondents not to interfere in the peaceful possession of the petitioner's house in Old Survey No.7 and the New Survey No.435/1, situated at Subramaniapuram Village, Sivagiri Taluk, Tenkasi District, by considering the petitioner's representation dated 10.10.2025.

For Petitioner : Mr.S.Selvakumar

For Respondents : Mr.D.Sasikumar
Additional Government Pleader

ORDER

(Order of the Court was made by N.SATHISH KUMAR, J.)

Challenging the impugned notice issued by the second respondent dated 16.02.2026, the petitioner has filed the present Writ Petition. The petitioner has also sought a consequential direction to the respondents not to interfere in the peaceful possession of the petitioner's house in Old Survey No.7 and the New Survey No.435/1, situated at Subramaniapuram Village, Sivagiri Taluk, Tenkasi District, by considering his representation dated 10.10.2025.



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2.It is the case of the petitioner that the third respondent passed the impugned order without considering the fact that the petitioner has all the revenue records in his favour and that the house was constructed within his premises.

3.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

4.At the outset, we are of the view that as against the order of eviction, an appellate remedy is provided under Section 10 of the Act, 1905 before the District Collector. When the Act provides for an effective appellate remedy before the District Collector against the eviction notice issued under Section 6 of the Act, 1905, without exhausting the said remedy, it would not be appropriate for this Court to entertain the present Writ Petition.



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5.In such view of the matter, the petitioner is at liberty to file an appeal before the District Collector under Section 10 of the Act, 1905 within a period of two weeks from the date of receipt of a copy of this order. On such appeal being filed, the first respondent is directed to consider the same and pass appropriate orders on its own merits, and to take further proceedings in accordance with law, after providing sufficient opportunity of personal hearing to the petitioner as well as to any other persons interested in the subject matter, within a period of eight (8) weeks thereafter. Till such time, the respondents are restrained from taking any coercive action.

6.With the above observations, the Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

[N.S.K.,J.] [M.J.R.,J.]
06.03.2026

NCC : Yes / No
Index : Yes / No
ps



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N.SATHISH KUMAR, J.
and
M.JOTHIRAMAN, J.

ps

ORDER MADE IN
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