



W.P(MD) No.11772 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 11.03.2026

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

W.P(MD) No.11772 of 2023

&

W.M.P.(MD)Nos.10192 & 10193 of 2023

Senthilkumar

... Petitioner

Vs.

- 1.The District Collector,
Pudukkottai District,
Pudukkottai.
- 2.The Tahsildar,
Karambakudi Taluk,
Pudukkottai District.
- 3.The Block Development Officer,
Karambakudi, Pudukkottai District,
Pudukkottai.
- 4.The President,
K.Muthalipatti Village,
Karambakudi Taluk,
Pudukkottai District.



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5.Andiyappan

... Respondents

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(R5 is impleaded by this Court

vide order dated 11.03.2026 in W.M.P(MD)No.22426

of 2023 by GRSJ & RPJ)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned order of the 2nd respondent in A8/1565/2023, dated 02.05.2023 and quash the same.

For Petitioner : Mr.R.Maheswaran

For Respondents : Mr.T.Amjadkhan
Government Advocate
for R1 to R3
: Mr.J.K.Jayaselan
for R4
: Mr.G.Karnan
for R5

ORDER

(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2. Andiyappan / impleaded respondent filed W.P.(MD)No.26505 of 2022 for directing the authorities to remove the encroachments



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committed by the writ petitioner and others in certain survey numbers in Muthalipatti Village, Karambakudi Taluk. The writ petition was disposed of by the Hon'ble Division Bench on 24.11.2022 in the following terms:-

“6. Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the merits of the claim made by the petitioner, either in the representation or in the affidavit filed in support of the Writ Petition, this Writ Petition is disposed of with a direction to the 2nd respondent to consider the representation of the petitioner dated 12.05.2022, and pass appropriate orders on merits and in accordance with law. If there is any encroachment as claimed by the petitioner, after issuing notice and conducting survey in the presence of the petitioner, the respondents 5 to 8 and any other parties, the authorities concerned shall take necessary action for removal of the encroachment, after affording an opportunity of hearing to all the parties and by following due process of law. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.”

Pursuant to the aforesaid direction, the impugned communication dated 02.05.2023 was issued by the Tahsildar. Challenging the same, this writ petition has been filed.

3. If the writ petitioner had committed encroachment, it can be removed only by adopting due process of law. In other words, the



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procedure laid down under the Tamil Nadu Encroachment Act, 1905 has to be adopted. Notice under Section 7 of the Act has to be issued at the first instance by the Tahsildar, Karambakudi Taluk. But strangely the Tahsildar, Karambakudi has called upon the BDO, Karambakudi to take action for removing the encroachment. The BDO has no authority under law to remove the encroachment. There is no need to interfere with the impugned communication. We however direct the Tahsildar, Karambakudi to abide by the direction given by the Hon'ble Division Bench. This Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.S., J.) (R.P., J.)
11.03.2026

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

To

1.The District Collector,
Pudukkottai District,
Pudukkottai.



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2.The Tahsildar,
Karambakudi Taluk,
Pudukkottai District.

3.The Block Development Officer,
Karambakudi, Pudukkottai District,
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