



W.P(MD) No.14737 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 02.06.2026

CORAM

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

**W.P(MD) No.14737 of 2022
&
W.M.P.(MD)No.10521 of 2022**

S.Rajan

... Petitioner

Vs.

- 1.The District Collector,
Sivagangai District,
Sivagangai.**
- 2.The District Revenue Officer,
Sivagangai District,
Sivagangai.**
- 3.The Revenue Divisional Officer,
Devakottai Division,
Devakottai,
Sivagangai District.**
- 4.The Tahsildar,
Karaikudi Taluk,
Karaikudi,
Sivagangai District.**



W.P(MD) No.14737 of 2022

5. The Zonal Deputy Tahsildar,
Karaikudi Taluk,
Karaikudi,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned eviction notice issued under section 6 of the Land Encroachment Act 1905 passed by the 4th Respondent dated 21.06.2022 which was served on petitioner on 29.06.2022 which is illegal and to quash the same and consequently issue direction directing the 1st to 4th respondents to issue patta to petitioner based on the assignment given by the 4th respondent herein dated 25.06.1994 in which assignment patta No. 1507 was given in old survey No.274/8 to an extent of 0.01.00 Ares and the new Survey No. 442/7 were given during the resurvey period in which it was wrongly classified as Government Poromboke, to change the wrong entry in the revenue records for which representations were given to all the respondents herein and direct the respondents herein to conduct enquiry and pass orders based on the documents produced by the petitioner and to issue patta in S.No.442/7 in the name of the petitioner.

For Petitioner : Mr.KR.Bharathi Kannan

For Respondents : Mr.M.P.Senthil
Government Advocate



W.P(MD) No.14737 of 2022

WEB COPY

ORDER

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

Heard both sides.

2. The petitioner challenges the eviction order passed under Section 6 of the Land Encroachment Act.

3. It is seen that pursuant to the notice issued by the Tahsildar, Karaikudi, the petitioner has submitted an explanation pointing out that the land in question was assigned to him way back in the year 1994. However, in the impugned order, the petitioner's explanation has not at all been considered. It is well settled that passing of an eviction order under Section 6 of the Land Encroachment Act cannot be a formality. After issuing notice under Section 7 of the Act, opportunity should be given to the alleged encroacher to place his case. Enquiry must be held and in the final order, they should take note of the contention advanced by the alleged encroacher. In this case, the petitioner's objection has not been considered. On this sole ground, the impugned order is set aside.



W.P(MD) No.14737 of 2022

The matter is remitted to the file of the fourth respondent. The fourth respondent will hear the petitioner once again and pass an order afresh on merits and in accordance with law.

4. The Writ Petition is allowed on these terms. No costs.

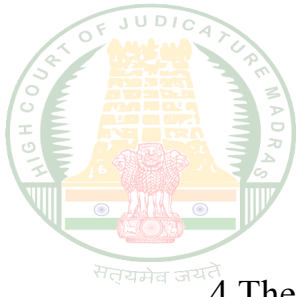
Consequently, connected miscellaneous petition is closed.

(G.R.S., J.) (R.P., J.)
02.06.2026

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

To

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The District Revenue Officer,
Sivagangai District,
Sivagangai.
- 3.The Revenue Divisional Officer,
Devakottai Division,
Devakottai,
Sivagangai District.



W.P(MD) No.14737 of 2022

4.The Tahsildar,
Karaikudi Taluk,
Karaikudi,
Sivagangai District.

5.The Zonal Deputy Tahsildar,
Karaikudi Taluk,
Karaikudi,
Sivagangai District.



WEB COPY



W.P(MD) No.14737 of 2022

G.R.SWAMINATHAN, J.
AND
R.POORNIMA, J.

rmi

W.P(MD) No.14737 of 2022

02.06.2026