



W.P(MD)No.15589 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 10.06.2026

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

W.P(MD)No.15589 of 2026

and

WMP(MD)No.11688 of 2026

A.Shakila Rani

... Petitioner

Vs.

1. The District Collector,
Virudhunagar District,
Virudhunagar.

2. The Tahsildar,
Sattur Taluk,
Sattur, Virudhunagar District.

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the impugned notice issued by the 2nd respondent in Na.Ka.A2/2003/2025 dated 1-6-2026 under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, directing the petitioner to remove the alleged encroachments by putting barbed wire to the extent of 136 meters in S.No. 346/2A of O.Mettupatti Village, Sattur Taluk in Virudhunagar District, quash the same.

For Petitioner
For R1 & R2

: Mr.V.Sasi Kumar
: Mr.S.Venkatesh
Counsel for State



W.P(MD)No.15589 of

ORDER

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

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Challenging the notice dated 01.06.2026 issued under Section 6 of the Tamilnadu Land Encroachment Act 1905, this writ petition has been filed.

2. Normally, when a detailed order is passed by the authorities after giving opportunity to the parties concerned, this Court will direct the parties to avail appeal remedy under Section 10 of the Act. However, when the order itself is passed violating the principles of natural justice, again driving the parties to file appeal will not serve any purpose. Earlier, one G.Saravanan filed W.P(MD)No.29043 of 2025 seeking to remove the encroachment on the cart track pathway which starts in S.No.811 and ends in S.No.346/2A for 136 meters. The petitioner herein was arrayed as 7th respondent in the said writ petition. In view of the submission made by the learned Additional Government Pleader that notice under Section 7 has been issued against the 7th respondent/present petitioner, this Court, by order dated 06.04.2026 required the 7th respondent/petitioner herein to submit her reply to the notice under Section 7 and directed the authorities to consider the same and pass orders after giving opportunity to the petitioner therein and 7th respondent/petitioner herein and other interested parties. However, perusal of the impugned notice issued under Section 6 of the Act indicates that there is no reference whatsoever to show that opportunities have been given either to the writ petitioner in



W.P(MD)No.15589 of:

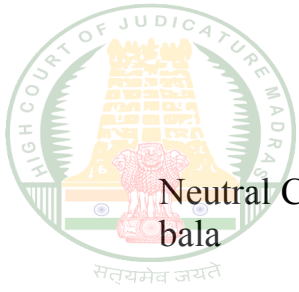
W.P(MD)No.29043 of 2025/G.Saravanan or the 7th respondent/present petitioner. Thus, it is clear that the impugned notice has been mechanically issued. In the order passed in W.P(MD)No.29043 of 2025, we have clearly indicated that FMB sketch does not indicate that there is a cart track in the subject place.

3. In such a view of the matter, without giving opportunity to the parties, passing a mechanical order, in our view, violates the principles of natural justice. Accordingly, the impugned notice issued by the 2nd respondent in Na.Ka.A2/2003/2025 dated 01-06-2026 under Section 6 of the Act, is set aside and the matter is remitted back to the 2nd respondent/Tahsildar to pass a speaking order after issuing notice to the petitioner herein and the writ petitioner in W.P(MD)No.29043 of 2025/G.Saravanan, giving them opportunity of hearing and also after considering all the documents. Such an exercise shall be completed within a period of four months from the date of receipt of a copy of this order.

4. With the above direction, the Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

[N.S.K., J.] & [M.J.R., J.]
10.06.2026

Index : Yes / No



W.P(MD)No.15589 of:

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Virudhunagar District,
Virudhunagar.
 2. The Tahsildar,
Sattur Taluk,
Sattur, Virudhunagar District.



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ORDER MADE IN
W.P(MD)No.15589 of 2026
DATED : 10.06.2026