



W.P(MD)No.15865 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 11.06.2026

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

W.P(MD)No.15865 of 2026

and

WMP(MD)Nos.11878 and 11879 of 2026

1. Karuppasamy
2. Ramasamy

... Petitioners

Vs.

1. The District Collector,
Office of District Collectorate,
Ramanthapuram District.

2. The Tahsildar,
Taluk Office,
Muthukulathur,
Ramanathapuram District.

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in Na.Ka.A5/7841/2025 dated 27.05.2026 issued by the 2nd respondent under section 6 of the Tamil Nadu Land Encroachment Act, 1905 as illegal and quash the same and consequently direct the 2nd respondent to conduct survey of Public pathway in S.No.37/5 and adjoining Survey Nos.37/40 and 37/41 situated at Keelamudhukulathur Group Village, Mudhukulathur Taluk, Ramanathapuram District, in the presence of the petitioners after due notice within time frame fixed by this court.



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For Petitioner
For Respondents

: Mr.N.Rajasekar
: Mr.M.S.Parthiban
Counsel for State

ORDER

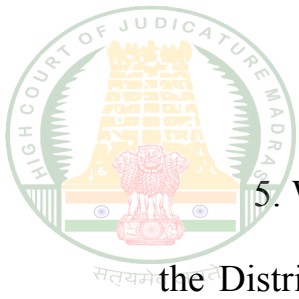
(Order of the Court was made by **N.SATHISH KUMAR, J.**)

WMP(MD)No.11878 of 2026 filed to permit the petitioners to join together and file a single writ petition, is ordered.

2. Challenging the order passed under Section 6 of the Tamilnadu Land Encroachment Act, 1905, this writ petition is filed.

3. Perusal of record indicates that against the impugned order, an appeal is already filed by the petitioner before the District Collector under Section 10 of the Act. Such being the position, we are of the view that this writ petition is not maintainable.

4. Learned counsel for the petitioner would submit that the order of eviction has been passed without conducting a proper survey. Therefore, if the survey is directed to be conducted, whether petitioner is the actual encroacher or not will come to light.



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5. We are of the view that the said contention can always be raised before the District Collector in the pending appeal. If such contention is raised, the District Collector may direct the authorities to conduct survey and then dispose of the appeal in accordance with law. Such an exercise shall be completed within a period of two months from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[N.S.K., J.] & [M.J.R., J.]
11.06.2026

Index : Yes / No
Neutral Citation : Yes / No
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To

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

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ORDER MADE IN
W.P(MD)No.15865 of 2026
DATED : 11.06.2026