



WEB COPY



1

W.P.(MD)NO.19797 OF 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.04.2026

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MS.JUSTICE R.POORNIMA

W.P.(MD)No.19797 of 2020

and

W.M.P.(MD)No.16486 & 16489 of 2020

Meera Rengasamy

... Petitioner

Vs.

1. The District Collector,
District Collector Office,
Tiruchirapalli – 620 001.
2. The Sub-Collector Srirangam,
Thiruvanaikoil,
Trichy Dindigul Highway,
Srirangam,
Tiruchirapalli – 620 005.
3. The Tahsildar,
Tahsildar Taluk Office,
Thiruvanaikoil, Chennai Main Road,
Srirangam,
Tiruchirapalli – 620 005.
4. The Revenue Tahsildar,
Srirangam, Tiruchirapalli – 620 005.
5. The Village Administrative Officer,
Thimmarayasamuthiram,
Tiruchirapalli – 620 005.

... Respondents



WEB COPY

Prayer: Writ petition filed under Article 226 of the Constitution of India, issuing a Writ of Certiorari, calling for the records of the respondents pertaining to the order dated 14.12.2020 bearing reference Moo.Mu.B1/25873/2020 issued by the first respondent and quash the same as illegal and without authority of law.

For Petitioner : Mr.Krishna Srinivasan,
Senior counsel,
for M/s.S.Ramasubramaniam and
Associates.

For Respondents : Mr.T.Amjad Khan,
Government Advocate.

* * *

ORDER

Heard the learned Senior counsel appearing for the writ petitioner and the learned Government Advocate appearing for the respondents.

2. The writ petitioner herein purchased the petition mentioned property vide sale deed dated 21.01.1990 from one Mrs.Farida Basheer. The said Farida Basheer in turn had purchased the property



from one Subramania Asariar vide sale deed dated 29.08.1983. Both are registered documents. After purchase from her vendor, the petitioner herein put up construction after getting planning approval from the Commissioner, Srirangam Municipality. It is a storied construction and it is stated that the building had been let out in favour of a nationalized Bank. While so, the Tahsildar, Srirangam issued notice under Section 7 of the Tamil Nadu Land Encroachment Act on 21.10.2020 treating the petitioner's construction as a piece of encroachment. The petitioner was asked to appear for enquiry on 06.11.2020. In response to the said notice, the petitioner offered her reply on 04.11.2020 and again on 17.11.2020. The replies given by the petitioner were also duly marked to the District Collector, Trichy. While so, the District Collector, Trichy vide order dated 14.12.2020 treated the petitioner's occupation of the petition mentioned the property as an encroachment and directed the jurisdictional Tahsildar to remove the same. Challenging the said order, this writ petition has been filed.

3. The learned Government Advocate submitted that the property in question has been classified as Nandavanam in the



revenue records and the petitioner's predecessors in interest were having only miscellaneous Patta and B memo.

4. We consciously refrain from going into the merits of the matter. The writ petition can be disposed of on a very short ground. Admittedly, proceedings were initiated only under the relevant provisions of the Tamil Nadu Land Encroachment Act 1905. The competent authority issued notice under Section 7 of the Act. The petitioner had offered her explanation. Therefore, the authority who issued the show cause notice ought to have passed the final order under Section 6 of the Act. The District Collector, Trichy who is the appellate authority under Section 10 of the Act could not have passed the order under Section 6 of the Act

5. It is specifically clarified by the learned Senior counsel that the petitioner had only marked the copies of her explanation to the District Collector and at no point of time she filed any appeal before the District Collector. Final order under Section 6 of the Act was not passed by the Tahsildar concerned.



WEB COPY

6. It is well settled that the appellate authority cannot clutch at the jurisdiction of the original authority. If the appellate authority is permitted to pass final order, the noticee would be deprived of the valuable right of first appeal. On this sole ground, the impugned order is quashed. Liberty is given to the authorities to proceed in the manner known to law. This writ petition is allowed in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (R.POORNIMA, J.)
08.04.2026

NCC : Yes / No

Index : Yes / No

Internet : Yes/ No

PMU



WEB COPY



To:

1. The District Collector,
District Collector Office,
Tiruchirapalli – 620 001.
2. The Sub-Collector Srirangam,
Thiruvanaikoil,
Trichy Dindigul Highway,
Srirangam, Tiruchirapalli – 620 005.
3. The Tahsildar,
Tahsildar Taluk Office,
Thiruvanaikoil, Chennai Main Road,
Srirangam,
Tiruchirapalli – 620 005.
4. The Revenue Tahsildar,
Srirangam,
Tiruchirapalli – 620 005.
5. The Village Administrative Officer,
Thimmarayasamuthiram,
Tiruchirapalli – 620 005.



WEB COPY



7

W.P.(MD)NO.19797 OF 2020

G.R.SWAMINATHAN,J.

AND

R.POORNIMA, J.

PMU

W.P.(MD)No.19797 of 2020

08.04.2026