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Ramiah Vs The District Collector

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Court : Chennai

Decided On : Jul-01-2026

Judge : Honourable Mr Justice C.V. Karthikeyan,Honourable Mr.Justice R.Sakthivel

Appeal No. : WP(MD)/18416/2026

Appellant : Ramiah

Respondent : The District Collector

Judgement :

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT Dated : 01.07.2026

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN AND THE HONOURABLE MR. JUSTICE R. SAKTHIVEL and W.M.P(MD)Nos.13631 and 13632 of 2026 Ramiah : Petitioner Vs 1.The District Collector, 2.The Revenue Divisional Officer, Iluppur, Pudukkottai District. 3.The Tahsildar, Ponnamaravathy Taluk, 4.S.Gokula Krishnan : Respondents PRAYER :- Writ Petition is 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 notice issued by the third

respondent in Na.Ka.No.3461/2025/Aa2 dated 10.06.2026 and quash the same as illegal, arbitrary, and violative of the directions in W.P(MD)No.26479 of 2025. For Petitioner : Mr.RMS.Sethuraman for Mr.K.G.Arunkumar For Respondents : Mr.M.P.Senthil Counsel for State of TN for R1 to R3

ORDER

(Order of the Court was made by C.V.Karthikeyan, J.) Mr.M.P.Senthil, learned Counsel for State of Tamil Nadu takes notice for the respondents 1 to 3. In view of the order to be passed in this writ petition, notice to the fourth respondent is dispensed with.

2. The writ petitioner herein was the fourth respondent in an earlier writ petition filed by one S.Gokula Krishnan in W.P.(MD)No.26479 of

2025. When the writ petition came up before a Co-ordinate Division Bench of this Court, by order dated 16.04.2026, at the stage of admission, the following order was passed:

This writ petition has been filed seeking a direction to the respondents 1 to 3 to remove the encroachment made by the fourth respondent in Natham Survey No.891/12 classified as Government Land which is used as road by considering the petitioner representation dated 01.06.2025. 2.Mr.A.Kannan, learned Additional Government Pleader,

accepts notice for the respondents 1 to 3. In view of the order

proposed to be passed in this writ petition, notice to the fourth respondent is dispensed with. 3.By consent of both parties, this writ petition is taken up for final disposal at the time of admission itself. 4.The grievance of the petitioner is that the representation submitted by the petitioner to remove the encroachment made by the fourth respondent on the Government land, was not considered. Hence, the petitioner has filed this present writ petition. 5.The learned Additional Government Pleader

appearing for respondents 1 to 3, on instructions, submitted that the petitioner's representation would be considered and that the authorities concerned would conduct a survey of the land in question in the presence of all the parties concerned. He further submitted that appropriate action would be taken to remove the encroachment, if any. 6.In such view of the matter, the authorities concerned are directed to conduct a survey in the place in question, after issuing notice to the petitioner, the fourth respondent and all other parties concerned, if any, within a period of two weeks from the date of receipt of a copy of this order. If the survey reveals any encroachment, the authorities concerned shall take necessary action for the removal of such encroachment, after affording sufficient opportunity of personal hearing to all the parties concerned and by following due process of law, within a period of three months thereafter.

7.With the above direction, this writ petition is disposed of. There shall be no order as to costs.

3. A perusal shows that in the writ petition, notice to the writ

petitioner herein, who was the fourth respondent therein, had been dispensed with. However, necessary safeguards were given by the Hon'ble Division Bench of this Court with regard to putting the writ petitioner on notice before any steps are taken by the first respondent therein, namely, the Tahsildar/Monitoring Committee, Ponnamaravathy Taluk at Pudhukottai District. Accordingly, it is to be mentioned that even prior to the filing of the said writ petition on 03.11.2025, on subjective satisfaction, the Revenue Inspector, Karaiyur Revenue Village, Ponnamaravathy Taluk, had issued a notice to the petitioner herein under Section 7 of the Land Encroachment Act, 1905. The said notice had been received by the wife of the petitioner, R.Thavamani. This fact can neither be denied nor disputed by the petitioner herein. Thereafter, consequent to the orders passed in the earlier writ petition in W.P(MD)No.26479 of 2025 and pursuant to the notice issued under Section 7 of the Act, 1905, the notice impugned in the present writ petition had been issued under Section 6 of the said Act, 1905. Even prior to the filing of this

writ petition, the said notice had been issued on 06.03.2026. This notice had also been received by the petitioner himself.

4. It is contended that challenging any such notice issued under

Section 6 or any order passed, comprehensive appellate remedies are provided under Section 10 of the Act, 1905. The petitioner should, therefore, proceed under Section 10 of the Land Encroachment Act, 1905, and we are confident that the respondents would act in accordance with law. Since the petitioner is now before this Court seeking to quash the notice, we are not inclined to do so. However, liberty is granted to the petitioner to file an appeal. We direct that if the appeal is presented before the District Collector, Pudukkottai District, on or before 31.07.2026, the District Collector may take it on record and examine it in accordance with law and the procedure under the Act. If the appeal is not presented on or before 31.07.2026, as directed by this Court, the authorities may proceed in the manner known to law in pursuance of the notice issued.

5. With the above observations and directions, this Writ Petition

stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed. (C.V.K., J) & (R.S.V., J) 01.07.2026 sji NCC : Yes/No To 1.The District Collector, 2.The Revenue Divisional Officer, Iluppur, Pudukkottai District. 3.The Tahsildar, Ponnamaravathy Taluk,

C.V.KARTHIKEYAN, J.

and

R.SAKTHIVEL, J.

sji

ORDER

IN Date : 01.07.2026

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