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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.03.2026**

CORAM:

THE HONOURABLE **MR.JUSTICE N.SATHISH KUMAR**

AND

THE HONOURABLE **MR.JUSTICE M.JOTHIRAMAN**

W.P.(MD)No.6513 of 2026

and

W.M.P.(MD)No.5425 of 2026

Antony Arul Thilak

... Petitioner

Vs.

1. The District Collector,
Thoothukudi District.

2.The Revenue Divisional Officer,
Ottapidaram,
Thoothukudi District.

3.The Tahsildar,
Ottapidaram Taluk,
Thoothukudi District.

4.The Block Development Officer,
Ottapidaram Taluk,
Thoothukudi District.

...Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned notice issued by the second respondent under



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Section 6 of the Tamil Nadu Land Encroachment Act, 1905 in Na.Ka.A3/1665/2024 dated 23.01.2026 and forbear them from taking any coercive action till such consideration.

For Petitioner : Mr.C.Geetha
For Respondents : Mr.A.Kannan (R1 to R3)
Additional Government Pleader

ORDER

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

The petitioner has filed this writ petition challenging the notice issued by the second respondent under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 in Na.Ka.A3/1665/2024 dated 23.01.2026 and forbear them from taking any coercive action till such consideration.

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.



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4.It is the contention of the petitioner that the petitioner is the absolute owner of the property in Survey No.407/13 at Tharuvaikulam Village, Thoothukudi District. Patta also stands in the name of the petitioner's father. There is no encroachment whatsoever made by the petitioner. However, the impugned eviction notice has been issued as if the petitioner has encroached upon the property in Survey No.407/9.

5.Be that as it may, as against the order of eviction, an appeal remedy is provided under Section 10 of the Land Encroachment Act to the District Collector. When the Act provides for an effective appeal remedy before the District Collector against the eviction notice, without exhausting the same, it would not be appropriate to entertain the present Writ Petition.

6.In view of the above, the petitioner shall file an appeal under Section 10 of the Act and the appellate authority shall take into consideration the patta issued in the name of the petitioner and pass necessary orders for survey and dispose of the appeal after taking into consideration the patta issued in the name of the petitioner in accordance with law.



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7. With the above observations, this writ petition is dismissed.

Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

[N.S.K., J.] & [M.J.R., J.]
11.03.2026

Index : Yes/No
Internet : Yes
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To

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

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