



W.P.(MD).No.35934 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2026

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.35934 of 2025

Nargis Banu

... Petitioner

Vs.

1. The Special Officer,
Ammappattinam Village Panchayat,
Manamelkudi Panchayat Union,
Pudukkottai District.

2. The Tahsildar,
Manamelkudi Taluk,
Pudukkottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to permit the petitioner to carry the petitioner's building debris from the aforesaid S.F.No.101/5 by considering the petitioner's representation dated 12.11.2025 within a time stipulated by this Court.

For Petitioner : Mr.R.Paranjothi
M/s.KBS Law Office

For R1 : Mr.D.S.Nedunchezian
Government Advocate



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For R2

: Mrs.D.Farjana Ghoushia
Special Government Pleader

ORDER

The present writ petition has been filed seeking a Mandamus directing the respondents to permit the petitioner to remove the building debris from S.F.No.101/5 by considering her representation dated 12.11.2025.

2. The petitioner has put up the construction in the above said survey number. An eviction notice was issued to her on 22.10.2025 which was challenged in W.P.(MD) No.31121 of 2025 before this Court. However, when the writ petition was taken up for hearing, the learned counsel for the petitioner withdrew the writ petition, since the building came to be demolished by the second respondent herein.

3. According to the learned counsel appearing for the writ petitioner, without issuing any notice under Section 7 of the Tamil Nadu Land Encroachment Act, or passing an order under Section 6 of the said Act demolition has been carried out by the second respondent.



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4. The learned counsel appearing for the petitioner relied upon the judgment of the Hon'ble Division Bench of this Court in W.P.(MD) No.31385 of 2025, dated 06.11.2025, wherein this Court has permitted the writ petitioner therein to remove the debris on the ground that no eviction order was passed under Section 6 of the Land Encroachment Act.

5. Per contra, the learned Special Government Pleader appearing for the second respondent submitted that on 19.10.2023 a notice was issued to the petitioner calling upon her to remove the encroachment. Therefore, when the petitioner has not complied with the said order, the second respondent was constrained to demolish the said building and therefore, the second respondent is entitled to recover the expenses towards the demolition work. Without payment of the said amount, the petitioner cannot be permitted to remove the debris.

6. I have carefully considered the submissions made on either side and perused the materials available on record.



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7. It could be seen from the records that admittedly, the petitioner has not been issued with any notice under Section 7 of the Land Encroachment Act and an order of eviction under Section 6 of the said Act. In such a view of the matter, it is clear that this case is squarely covered by the judgment of the Hon'ble Division Bench of this Court in W.P(MD) No.31385 of 2025, dated 06.11.2025, wherein in paragraph Nos 3 to 5 it has been held as follows:

3.The learned Special Government Pleader states that the authorities have incurred a sum of Rs.1,50,000/-(Rupees One Lakh and Fifty Thousand only) for carrying out the demolition and that therefore the petitioner should not be allowed to appropriate the debris. He further submits that a similar request was made by another encroacher and the said writ petition was dismissed by the Hon-ble Division Bench of this Court.

4.We would have upheld the contention of the learned Special Government Pleader if any eviction order under Section 6 of the Land Encroachment Act had been passed against the writ petitioner herein. In such an event, the cost of removing the encroachment could have been recovered from the encroacher. Such is not the case here.



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5. For this reason and considering the special circumstances of this case, we permit the petitioner to remove the debris on his own and deposit the same in the campus of a local school or hospital. This shall be done by the petitioner within a period of 20 days. The authorities are entitled to keep watch over the aforesaid operation. We make it clear that we have given the aforesaid concession to the petitioner considering the undertaking given by him.

8. In view of the judgment of the Hon'ble Division Bench of this Court, this Writ Petition stands allowed and the petitioner is permitted to remove the building debris from SF No.101/5. There shall be no order as to costs.

06.01.2026

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The Special Officer,
Ammapattinam Village Panchayat,
Manamelkudi Panchayat Union, Pudukkottai District.
2. The Tahsildar,
Manamelkudi Taluk,
Pudukkottai District.

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R.VIJAYAKUMAR,J.

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