



W.P.Nos.47566 &43115 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2025

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

and

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.Nos.47566 & 43115 of 2025

and

W.M.P.No.48272 of 2025

Amaresh ... Petitioner in W.P.No.47566/2025

Ellappa ... Petitioner in W.P.No.43115/2025

Vs.

1. The District Collector,
District Collector Office,
Collectorate Road,
Krishnagiri – 635 115.
2. The District Revenue Officer,
Collectorate Road,
Krishnagiri – 635 115.
3. The Revenue Divisional Officer,
Bangalore Road, Veerappa Nagar,
Krishnagiri – 635 002
4. The Tahsildar,
Taluk Office,



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Hosur Town and Taluk,
Krishnagiri – 635 109.

5. The Surveyor,
Bagalur, Hosur Taluk,
Krishnagiri – 635 103.

6. The Revenue Inspector,
Bagalur, Hosur Taluk,
Krishnagiri – 635 103.

7. Mr.Srinivas,
S/o Rangappa,
No.1-196, Attur Village,
Nandhimangalam Post,
Hosur Taluk,
Krishnagiri – 635 105.

..Respondents in both the WPs.

Prayer in both the WPs: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for records relating to summon in O.Mu.1503/2025/A1 dated 23.10.2025 passed by the 4th respondent and quash the same.

For Petitioner
in both the WPs. : Mr.B.Gopalakrishnan
for Mr.J.Ramesh

For Respondents
in both the WPs. : Mr.T.Arunkumar,
Addl.Govt.Pleader for R1 to R6

ORDER



W.P.Nos.47566 &43115 of 2025

S.M.SUBRAMANIAM,J.

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Writs on hand have been instituted challenging the memo dated 23.10.2025 issued by the Tahsildar asking the petitioner to remove obstructions caused at 'Nilaviyal Pathai' (Plan marked pathway). Admittedly, enforcement actions had been taken under the provisions of the Tamil Nadu Land Encroachment act, 1905. Section 7 notice was issued on 10.03.2025 and 09.05.2025. After affording opportunity to the obstructors, a final notice under Section 6 of the Act had been issued on 25.03.2025 and 29.05.2025. Since the obstructions were not removed, the authorities have issued a memo asking the petitioners to remove the obstructions and made available the common pathway for the usage of public. Challenging the said final memo, the present writ petitions came to be instituted.

2. The sole question to be considered by this Court is whether enforcement actions can be initiated under the provisions of the Tamil Nadu Land Encroachment Act, 1905 in respect of the plan marked channel or pathway running in patta land.



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3. In this regard, the Revenue Standing Order 26 speaks about the Unauthorised occupation of Government Lands and Lands to which Act III of 1905 applies. Act III of 1905 lays down the procedure to be followed in dealing with unauthorised occupation of “lands which are the property of Government”. To determine whether it is a Government land or not, Clause 15 of RSO 26 stipulates that a plan marked channel or pathway running in a patta land is a ‘Government land’. Clause 15 is extracted hereunder.

*15. **Encroachments on plan** – marked details. A plan marked channel or pathway running in a patta land is a Government Land. Eviction of encroachments in such lands need e invoked only in cases where the encroacher has interfered with the plan marked detail so as to close its entrance to and exist from the lands. In the case of pathways and cart tracks which have been used by the public till recently, the ryot should not be allowed to shift the course of the details to suit his own convenience. However, such diversions of plan marked channel from its original course, with a view to consolidate his holding or to facilitate irrigation of the*



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portions which would be otherwise severed need not be treated as encroachment.

4. The property of the Government has been defined under Section 2 of the Tamil Nadu Land Encroachment Act, 1905, as under:

2. (1) All public roads, streets, lanes and paths, the bridges, ditches, dikes and fences, on or beside public road, the same, the bed of the sea and of harbours and creeks and below high water mark, and of rivers, streams, nalas, lakes and tanks, and 4[all back waters, canals and water-courses] and all standing and flowing water, and all lands, wherever situated, save in so far as the same are the property-

...

...

(e) of any other person holding land under grant from the Government, otherwise than by way of licence, and, as to lands, save also in so far as they are temple site or owned as house-site or backyard, are and are hereby declared to be the property of Government except as may be otherwise provided by any law for the time being in force, subject always to all rights of way and other public rights and to the natural and easement rights of other land-owners, and to all customary rights legally subsisting.



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5. A close reading of the Revenue Standing Orders as well as the Tamil Nadu Land Encroachments Act would clarify that 'Nilaviyal Pathai' (Plan marked pathway) is also a Government land, which is meant for public usage. Thus, the competent authority under the Tamil Nadu Land Encroachment Act is empowered to remove obstructions or encroachment by following the procedures as contemplated under the Tamil Nadu Land Encroachment Act, 1905.

6. In the present case, Section 7 notice had been issued and after affording opportunity to the obstructors, final notice under Section 6 has been issued. Thus, there is no impediment for the authorities to conclude the encroachment actions. If at all the obstructors are aggrieved, they may prefer an appeal under Section 10 of the Act in the manner known to law.

7. With these observations, the Writ Petitions stand dismissed. No costs. Consequently, connected miscellaneous petition is closed.



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(S.M.S.,J.) (C.K.,J.)

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vsi

Index : Yes

Speaking order : Yes

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