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W.P.Crl.No.20 of 2026
and W.P.No.30089 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 30.07.2026

PRONOUNCED ON : 07.08.2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

W.P.Crl.No.20 of 2026 and W.P.No.30089 of 2026
and W.P.MP.Crl.No.4 of 2026
and WMP.Nos.33057, 33061, 33064, 33066 and 33067 of 2026

W.P.Crl.No.20 of 2026:

K.Viji @ Vijaya

... Petitioner

VS.

1.The Commissioner of Police,
Salem City, Salem.

2.The Assistant Commissioner of Police,
Salem Town Saragam,
Salem City.

... Respondents

PRAYER:- Writ Petition (Criminal) is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records from 2nd respondent in Na.Ka.C.No.74/ACP/SJHR/Salem City/2023 dated 19.06.2023 and N.Ref: 135/ACP/STR/SLM (C) 2024, dated 27.07.2024 quash the same consequently direct the 1st respondent to take appropriate legal action U/s 4(2) (b) of SC/ST Act on the 2nd respondent or direct to register the FIR U/s 18A and Rule 5 of SC/ST Act Rules on the complaint dated 20.05.2023 by the petitioner.

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For Petitioner : Mr.M.Pari

For R1 and R2 : Mr.R.Ganesh Kumar
Counsel for Government of Tamil Nadu
(Criminal Side)

W.P.No.30089 of 2026:

1.K.Viji @ Vijaya

2.P.Chitra

3.L.Thiruppathi

4.V.Chandra

5.L.Mariyammal

6.S.Ravi

... Petitioners

vs.

1.The District Collector,
O/o District Collector,
Salem, Salem District.

2.The Commissioner of Police,
Salem City, Salem District.

3.The Thasildhar,
Salem City, Salem District.

4.The Thasildhar (Special for Adi Dravida Welfare)
Salem City, Salem District.

5.The Inspector of Police,
Sevvapettai Police Station,
Salem, Salem District.

... Respondents



W.P.Crl.No.20 of 2026
and W.P.No.30089 of 2026

PRAYER:- Writ Petition (Criminal) is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records in Na.Ka.No.524/2010/A Dated 28.10.2023 order passed by the 3rd respondent and Na.Ka.No.27777/202/D10 dated 04.11.2013 impugned order passed by the 1st respondent and quash the same; consequently direct the 1st, 3rd and 4th respondents to give compensation of Rs.25 lakhs to the each petitioner for demolished the house buildings of the petitioners on public law or any other order or orders suitable to this case.

For Petitioners : Mr.M.Pari

For R1 to R5 : Mr.R.Ganesh Kumar
Counsel for Government of Tamil Nadu
(Criminal Side)

COMMON ORDER

The Writ Petition in W.P.Crl.No.20 of 2026 is arising out of the orders passed by the 2nd respondent in Na.Ka.C.No.74/ACP/SJHR/Salem City/2023, dated 19.06.2023 and in N.Ref: 135/ACP/STR/SLM (C) 2024, 27.07.2024, thereby closed the complaint lodged by the petitioner and directed the petitioner to workout her remedy before the Court.

2. The Writ Petition in W.P.No.30089 of 2026 is filed challenging the order passed by the 3rd respondent in Na.Ka.No.524/2010/A, dated 3/10



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28.10.2023, thereby rejected the request made by the petitioner seeking patta.

3. Heard the learned counsel appearing on either side and perused the materials available on record.

4. Both the writ petitions have been filed related to the same property from which the petitioners were removed as 'encroachers'. The petitioners were residing in S.R.No.89 (Part), Annathanapatti, Salem City, Salem and in Survey No.91 (part), Gugai, Salem from the year 1960. While being so, some rowdy elements threatened them to vacate from the said land. Therefore, they have lodged complaints from the year 1977 to various authorities. Finally, they have filed a suit in O.S.No.128 of 2011 on 04.02.2011 for injunction. However, the very next day, the Revenue Officials with the aid of Police demolished their respective houses and evicted them on the ground that they were encroachers and encroached the Government Poramboke Land. In fact, they also submitted a representation seeking patta for the subject property, it was not considered and as such, they were constrained to approach this Court by way of filing writ petitions.



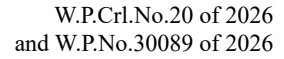
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concerned to dispose of the said request within a period of twelve weeks from the date of receipt of copy of the order. It is pending for enquiry with the file of the Special Tahsildar, Adi Dravidar Welfare, Salem.

7. Further, it is revealed that the subject land was encroached by the petitioners and their encroachments were removed by the Revenue Authorities, for which the petitioners sought for patta by the representation dated 13.06.2011. During enquiry, it was found that the subject land was assigned in favour of Adi Dravidar in Scheduled Caste and Scheduled Tribe Community people and they were also issued patta. They are in occupation and possession of their respective lands. In the said assigned lands, the disputed property in these writ petitions is allotted for public use, in which the petitioners had encroached and the same was removed in the year 2011 itself. After removal of their encroachments, they sought for patta and as such, their request was rejected by the District Collector, Salem.

8. That apart, the petitioners have possessed their own houses near the subject property. Further, as per the revenue records, the subject land is classified as 'Government Sarkar Poramboke Land' and it is meant for public use. Therefore, the petitioners have requested the 2nd respondent to

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9. It is also seen from the records that they were termed as encroachers to the subject property and their encroachments were removed as early as 05.02.2011. After a period of nearly 12 years, the petitioners lodged complaint, as if they were illegally dispossessed from the subject property without following due process of law. After due enquiry and in accordance with law, their encroachments were removed and the subject land is commonly used by the general public. Therefore, this Court finds no infirmity or illegality in the report submitted by the 2nd respondent and the Writ Petition in W.P.Crl.No.20 of 2026 is devoid of merits and the same is liable to be dismissed.

10. In so far as the writ petition in W.P.No.30089 of 2026 is concerned, as directed by this Court in W.P.No.26457 of 2021, dated 08.08.2022, the 4th respondent conducted a detailed enquiry and rejected the



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request made by the petitioners seeking patta in respect of the subject land.

During enquiry, it was found that the petitioners encroached the subject land and their encroachments were removed as early as on 05.02.2011. However, the petitioners did not lodge any complaint alleging that they were dispossessed illegally. After removal of their encroachments, they applied for patta for the very same property. Therefore, their request was rightly rejected by the 4th respondent and the Writ Petition in W.P.No.30089 of 2026 is devoid of merits and the same is liable to be dismissed.

11. Accordingly, both the Writ Petitions are dismissed. No costs.
Consequently, the connected criminal miscellaneous petitions are closed.

07.08.2026

Index :Yes / No
Speaking order :Yes / No
Neutral Citation :Yes / No
dm



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and W.P.No.30089 of 2026

To

- 1.The Commissioner of Police,
Salem City, Salem.
- 2.The Assistant Commissioner of Police,
Salem Town Saragam,
Salem City.
- 3.The District Collector,
O/o District Collector,
Salem, Salem District.
- 4.The Thasildhar,
Salem City, Salem District.
- 5.The Thasildhar (Special for Adi Dravida Welfare)
Salem City, Salem District.
- 6.The Inspector of Police,
Sevvapettai Police Station,
Salem, Salem District.
- 7.The Public Prosecutor,
High Court of Madras,
Chennai.



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G.K. ILANTHIRAIYAN, J.

dm

**Pre-delivery common order made in
W.P.Crl.No.20 of 2026 and W.P.No.30089 of 2026**

07.08.2026