

W.P.(MD)No.2879 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.07.2026

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

W.P.(MD)No.2879 of 2023

K.Ayyakalai

... Petitioner

Vs.

1.The Thasildhar,
Dindigul West Taluk,
Dindigul District.

2.The Block Development Officer,
Reddiyarchatram Panchayat Union,
Reddiyarchatram, Dindigul.

3.Muthusamy

4.Ganeshan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd respondent herein to remove all the encroachment made by the respondents 3 and 4 herein in Prompoke land situated in S.No.216/1, M.Naduppatty, Mangarai Village, Dindigul West Taluk, Dindigul District by implement the order passed by the 1st respondent dated 22.06.2022 within a stipulated time as prescribed by this Court.

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For Petitioner : Mr.N.Marimuthu

For Respondents : Mr.P.Rajagopalan,
Government Advocate for R1 & R2.
Mr.M.Vivek Bharathi for R3 & R4

ORDER

(Order of the Court was delivered by G.R.Swaminathan, J.)

This writ petition was filed in the year 2023. According to the petitioner, the private respondents committed encroachment. He wants them to be removed.

2.When the matter was taken for hearing, the learned counsel for the private respondents submitted that even before filing the writ petition, eviction order dated 22.06.2022 was put to challenge in W.P.(MD)No.4933 of 2023. The Hon'ble Division Bench set aside the said order and allowed the writ petition. Paragraph Nos.4 and 5 of the said order read as follows:-

4. The order impugned in this writ petition claims that the site in question is classified as “நத்தம் காலியிடம் கோவில்”. The said description itself is self-contradictory. It could either be a temple site or a house site, it cannot be both. Section 2 of the Tamil



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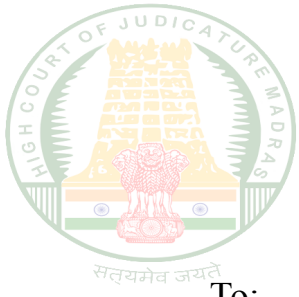
Nadu Land Encroachment Act, 1905, excludes the lands occupied as house sites, popularly called as Grama Natham and the lands classified as temple sites from its applicability. This Court has time and again reiterated that the Government is not the owner of such lands, which are classified as either temple sites or house sites. Therefore, there cannot be an eviction proceedings initiated under the Tamil Nadu Land Encroachment Act, 1905, by the Government, which has no proprietary right over the land in question.

5. Hence, the writ petition stands allowed. The impugned order dated 22.06.2022, passed by the second respondent, is set aside. It is left open to the fourth respondent to take appropriate proceedings, if he wants to establish his right. No costs. Consequently, connected miscellaneous petitions are closed.”

3.In view of the same, no further order is required in this writ petition. The writ petition is disposed of accordingly. No costs.

(G.R.S. J.) & (K.K.R.K. J.)
14.07.2026

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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**G.R.SWAMINATHAN, J.
and
K.K.RAMAKRISHNAN, J.**

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