



W.P(MD)Nos.16121 of 2016

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.08.2026

CORAM:

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI
and
THE HONOURABLE MR.JUSTICE N.DILIP KUMAR**

**W.P(MD)No.16121 of 2016
and
WMP (MD) No.11792 of 2016**

St.Mary's Matriculation
Higher Secondary School,
Rep. by its Correspondent
N.Prema

... Petitioner

VS.

1. State of Tamil Nadu,
Rep. by its Principal Secretary,
Department of Revenue,
Secretariat,
Chennai.

2. The Commissioner of Land Administration,
Chepauk,
Chennai.

3. The District Collector,
Sivagangai, Sivagangai District.



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4. The District Revenue Officer,
Sivagangai,
Sivagangai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Government Ordered (D) No.482 dated 05.10.2015 on the file of the Respondent No.1 herein and quash the same as illegal and consequently to direct the respondent No.1 herein to make appropriate steps to exchange the land in Survey Nos.15/9A2 and 15/9B2 which is the patta land of the petitioner school instead of survey Nos.16/5 and 16/8 which is classified as Government Puramboke.

For Petitioner	: Mr. S.Rajasekar
For Respondents	: Mr.G.Mohan Kumar (R1 to R4) Additional Government Pleader

ORDER

(Order of the Court was made by M.DHANDAPANI, J.)

Challenging the impugned Government order dated 05.10.2015, the present writ petition has been filed by the petitioner. Consequently, to direct the first respondent to make appropriate steps to exchange the land in Survey Nos. 15/9A2 and 15/9B2 which is the patta land of the petitioner school instead of survey Nos.16/5 and 16/8 which is classified as “Government Poramboke”.

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2. The learned counsel appearing for the petitioner would submit that the petitioner is the Correspondent of St. Mary's Matriculation Higher Secondary School, Thiruppuvanam, Sivagangai District. The petitioner would submit that the school is a reputed institution in Thiruppuvanam Town, having more than 700 students and has been consistently securing 100% results in the public examinations.

3. The learned counsel for the petitioner would further submit that the disputed lands comprised in Survey Nos.16/5 and 16/8 are situated adjacent to the petitioner school and are classified as "Government poramboke" land. The petitioner school has been in occupation of the said lands for several years. Since the lands are classified as Government land, the respondents initiated eviction proceedings under the Tamil Nadu Land Encroachment Act, 1905, by issuing a notice under Section 7, followed by a notice under Section 6. In the meantime, the petitioner submitted a revision petition before the Commissioner of Land Administration, seeking regularisation of the encroached land by allotting alternative patta land owned by the petitioner to the Government in lieu of the



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encroached Government land. The said request was considered in the light of the Government Orders and the letter issued by the Additional Chief Secretary to Government. However, the same came to be rejected by the impugned G.O. dated 05.10.2015. Challenging the said order, the present writ petition has been filed.

4. The learned counsel for the petitioner would submit that exchange of the patta land owned by the petitioner in lieu of the Government land under occupation is permissible under the Revenue Standing Orders and the Government letter dated 07.07.2015. It is further submitted that the petitioner is willing to surrender valuable patta land owned by it to the Government in exchange for the Government poramboke land under its occupation. According to the learned counsel, the petitioner has offered an alternative arrangement and the same ought to have been considered by the respondents. However, without properly considering the said request, the first respondent rejected the petitioner's claim. Hence, he prayed for appropriate orders.

5. Per contra, the learned Additional Government Pleader appearing for the respondents would submit that if the land under encroachment is an



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unobjectionable poramboke land, the Government may consider exchange in appropriate cases by accepting patta land in lieu thereof. However, if the land is classified as an “objectionable Government land”, there is no power vested with the Government to accept patta land in exchange for such land. The learned Additional Government Pleader would further submit that the lands comprised in Survey Nos.16/5 and 16/8, which are under encroachment by the petitioner, are classified as “Union Pathai” and are being used by the general public from time immemorial. Therefore, the said lands cannot be alienated or exchanged in favour of the petitioner. It is further submitted that even the alternative land offered by the petitioner cannot be accepted in exchange, as the Government land in question is meant for the use of the general public. Hence, the learned Additional Government Pleader prayed for dismissal of the writ petition.

6. We have considered the submissions made by the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.



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7. The undisputed position is that the lands in Survey Nos.16/5 and 16/8 are classified as Union Pathai and are being used by the general public. Therefore, the petitioner cannot claim any right over the said lands merely on the ground that the school has been in occupation of the same for a considerable period. We are also unable to accept the contention of the petitioner that the patta land offered by it should necessarily be accepted by the Government in exchange for the encroached land. When the land under encroachment is a public pathway/Union pathway intended for the use of the general public, the Government cannot be compelled to alienate or exchange the same merely because the petitioner has offered alternative patta land.

8. In such circumstances, we find no infirmity or illegality in the impugned order warranting interference by this Court under Article 226 of the Constitution of India. Accordingly, the writ petition stands dismissed.

9. The petitioner is directed to remove the encroachment and hand over vacant possession of the encroached portion to the Government within a period of six weeks from the date of receipt of a copy of this order. Failing such



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compliance, it is open to the respondents to take appropriate steps, in accordance with law, to evict the petitioner and recover possession of the encroached land. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

[M.D.I.,J.] & [N.D.K.,J.]

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NCC : Yes / No
Index : Yes / No
Internet : Yes
PKN

To

1. State of Tamil Nadu,
Rep. by its Principal Secretary,
Department of Revenue,
Secretariat,
Chennai.

2. The Commissioner of Land Administration,
Chepauk, Chennai.

3. The District Collector,
Sivagangai, Sivagangai District.

4. The District Revenue Officer,
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