



W.M.P.(MD).No.6121 of 2016 and 8142 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.08.2026

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

W.P.(MD)Nos.7221 of 2016 and 11454 of 2022

and

W.M.P.(MD).No.6121 of 2016 and 8142 of 2022

W.P.(MD).No.7221 of 2016

K.Mohammed Salayudeen @ Minor Sayappa

: Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Sub Collector,
Cheranmahadevi,
Tirunelveli District.

3.The Assistant Director,
Town Panchayats,
Tirunelveli.

4.The Tahsildar,
Nanguneri,
Tirunelveli District.

5.The Executive Officer,
Town Panchayat,
Earuvadi,
Nanguneri Taluk,
Tirunelveli District.



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6.Muthuwalli,
Keela Mohallam Jumma Pallivasal,
7th Street,
Earuvadi,
Nanguneri Taluk,
Tirunelveli District.

: Respondents

Prayer: This petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondent Nos.1 to 5 to remove the Community Hall building made by the sixth respondent by encroaching the Nambiyaru river Poramboke in Survey No.557 and Pathai (Street) Poramboke in Survey No.927 and 928 at Eruvadi, Puliurkurichi village, Nanguneri Taluk, Tirunelveli District.

For Petitioner : Mr.S.R.Anbarasu

For R-1 to R-4 : Ms.J.Saranya, Government Advocate

For R-5 : Mr.S.Kumar

For R-6 : Mr.H.Arumugam

W.P.(MD).No.11454 of 2022

Muthuwalli,
Keela Mohallam Jumma Pallivasal,
7th Street,
Earuvadi,
Nanguneri Taluk,
Tirunelveli District.

: Petitioner

Vs.



W.M.P.(MD).No.6121 of 2016 and 8142 of 2022

1. The District Collector,
Tirunelveli District,
Tirunelveli.

2. The Assistant Director,
Town Panchayats,
Tirunelveli.

3. The Executive Officer,
Town Panchayat,
Earuvadi,
Nanguneri Taluk,
Tirunelveli District.

4. K.Mohammed Salayudeen @ Minor Sayappa : Respondents

Prayer: This petition filed under Article 226 of the Constitution of India to issue a writ of Certiorari, calling for the records relating to the impugned order of the third respondent in Na.Ka.No.175 of 2015 dated 11.05.2022 and quash the same.

For Petitioner : Mr.H.Arumugam

For R-1 & R-2 : Ms.J.Saranya, Government Advocate

For R-3 : Mr.S.Kumar

COMMON ORDER

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

Since the issue involved in these writ petitions is interrelated, they are taken up together and disposed of by way of this common order.



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2. W.P.(MD).No.7221 of 2016 has been filed by one Mohammed Sulayudeen @ Minor Sayappa, seeking issuance of a Writ of Mandamus directing the respondents 1 to 5 to remove the Community Hall building allegedly put up by the sixth respondent by encroaching upon the Nambiyaru River Poramboke in Survey No.557 and the Pathai (Street) Poramboke lands in Survey Nos.927 and 928 at Eruvadi, Puliyurkurichi Village, Nanguneri Taluk, Tirunelveli District.

3. W.P.(MD).No.11454 of 2022 has been filed by the petitioner / Pallivasal therein seeking to quash the impugned order passed by the third respondent in Na.Ka.No.175 of 2015 dated 11.05.2022.

4. The case of the petitioner in W.P.(MD).No.11454 of 2022 is that the Pallivasal is an ancient Pallivasal situated in Natham Survey No.930/23 at Puliyurkuruchi Village, Eruvadi, Nanguneri Taluk, Tirunelveli District and that the said Pallivasal is more than 300 years old. The Dargah attached to the said Pallivasal, situated on its northern side, is comprised in Old Natham Survey No. 489/Part, which was subsequently renumbered as Natham Survey No.928 during the Natham Settlement Scheme. It is stated that a saint by name Miyama



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came to the Pallivasal to preach Islam and passed away in the year 1920, and thereafter the Dargah came to be known as Miyama Dargah. A stone inscription found in a pillar of the Dargah is relied upon to establish its existence for more than 100 years. The Miyama Dargah was also notified in the list of Wakfs published in the Government Gazette dated 13.05.1959. It is further stated that Mohammed Sulayudeen @ Minor Sayappa filed a public interest litigation before this Court seeking removal of the alleged encroachment in Survey No. 557 at Eruvadi, Puliurkurichi Village, Nanguneri Taluk. According to the petitioner, the Pathai (Street) Poramboke lands in Survey Nos.927 and 928 have been in existence for several decades and, pursuant thereto, the third respondent issued an eviction notice dated 11.05.2022. Challenging the same, the present writ petition has been filed.

4.(i). The further case of the petitioner in W.P.(MD).No.11454 of 2022 is that the Nambiyaru River is running on the eastern side of the Wakf property in Survey No.557 and that a road runs on the western and southern sides of the Dargah through Natham Survey Nos.927 and 928. It is contended that the old Natham Survey No.489 is Gramanatham land which has been in the occupation of the Pallivasal for more than 300 years and that the Dargah has also been in existence for several decades. According to the petitioner, the sixth respondent



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in W.P.(MD).No.7221 of 2016, without properly appreciating the factual position, has proceeded on the erroneous assumption that the Pallivasal and Dargah have encroached upon the lands comprised in Survey Nos.927 and 928 and on that basis, proceedings have been initiated for removal of the alleged encroachment. The learned counsel appearing for the petitioner would submit that, even from a perusal of the impugned order, it is clear that the lands in Survey Nos.927 and 928 are classified as Sarkar Natham Poramboke – Street. According to the learned counsel, once the land is classified as Natham land, the same would not vest with the Government and, therefore, the respondents have no jurisdiction to initiate proceedings under Sections 180 and 182 of the Tamil Nadu District Municipalities Act, 1920. It is further submitted that, apart from the question of jurisdiction, the petitioner has already instituted a civil suit in O.S.No.7 of 2017 on the file of the competent civil Court at Nanguneri seeking declaration of title in respect of the suit schedule property. When the civil suit is pending, the local authorities cannot initiate eviction proceedings in respect of the very same property.

5. The learned counsel would further submit that the petitioner has been in long and continuous possession of the property for more than 300 years and that the question relating to title and possession has to be adjudicated by the



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competent civil Court. Therefore, according to the learned counsel, the issuance of the impugned eviction notice is not sustainable.

6. The learned counsel appearing for the petitioner would further submit that the alleged encroachment in Survey No.557, classified as River Poramboke, has already been removed and that the surviving issue in the writ petition relates only to Survey Nos.927 and 928.

7. In support of his contention, the learned counsel relied upon the judgment of the Hon'ble Supreme Court in ***Kaikhosrou (Chick) Kavasji Framji v. Union of India and another***, reported in ***(2019) 20 SCC 705***, wherein it was held that, when a civil suit is pending in respect of the property, the authorities cannot initiate summary proceedings under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971.

8. Per contra, the learned counsel appearing for the Town Panchayat would submit that, even on a bare perusal of the Adangal produced by the petitioner, it is evident that the lands comprised in Survey Nos.927 and 928 are classified as Sarkar Poramboke – Street. It is submitted that, except the self-serving claim of the petitioner, no contra evidence has been placed before this Court to establish that the lands are classified as Natham lands.



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9. The learned counsel would further submit that the mere description of the land as Sarkar Natham, even assuming the same to be so, would not confer any conclusive title or right upon the petitioner to continue in possession of the property. According to the learned counsel, the classification of the land in the revenue records by itself cannot confer title upon the petitioner. Reliance was also placed upon the judgment of this Court in the case of ***A.R.Meenakshi and Others Vs. State of Tamil Nadu*** reported in **2013 (4) LW 76**, wherein it has been held that the use of loose words or descriptions in the revenue records would not, by itself, confer any right in favour of the person claiming possession. It is further submitted that the land is, in fact, classified as Sarkar Poramboke – Street and that the petitioner has put up a structure thereon, which is impermissible. Hence, the learned counsel sought dismissal of W.P.(MD).No. 11454 of 2022.

10. Heard the learned counsel appearing for the parties and perused the materials placed on record.

11. The facts which are not in dispute are that a public interest litigation was filed by Mohammed Sulayudeen @ Minor Sayappa seeking removal of the alleged encroachment in Survey No.557, which is classified as



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Nambiyaru River Poramboke, and in Survey Nos.927 and 928, which are stated to be classified as Sarkar Poramboke – Street. In the earlier proceedings, this Court, by order dated 16.02.2018, directed the respondents to conduct a survey and file a report before this Court. Pursuant to the said direction, a report was filed. Thereafter, this Court, by order dated 16.04.2018, directed the fifth respondent to file a status report regarding the encroachment in Survey No.557. Pursuant to the said directions, the encroachment in Survey No.557 was removed. Therefore, the issue surviving for consideration in W.P.(MD).No.7221 of 2016 relates to the alleged encroachment in Survey Nos.927 and 928. It is also an admitted fact that the petitioner in W.P.(MD).No.11454 of 2022 has instituted a civil suit in O.S.No.7 of 2017. However, on a perusal of the plaint filed in the said suit, this Court finds that the specific claim now made in the present writ petition with regard to the classification of the property as Natham land has not even been raised. The same has also been established by any cogent material. The petitioner has not produced any acceptable material before this Court to establish that Survey Nos.927 and 928 are classified as Natham lands. On the contrary, the Adangal and other connected revenue records produced by the petitioner themselves clearly disclose that the lands are classified as Sarkar Poramboke – Street. The mere assertion that the property has been in the possession and enjoyment of the petitioner for a long period



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cannot, by itself, confer title or any enforceable right over Government Poramboke land. The question of title, if any, has to be established before the competent civil Court by producing appropriate evidence. In the present case, the impugned proceedings have been initiated by the local authority for removal of the encroachment from Government Poramboke land. The pendency of the civil suit, by itself, would not prevent the competent statutory authority from taking action in accordance with law against an encroachment upon Government land, particularly when the revenue records produced before this Court disclose the classification of the subject lands as Sarkar Poramboke – Street. The judgment relied upon by the learned counsel for the petitioner in ***Kaikhosrou (Chick) Kavasji Framji v. Union of India and another***, reported in ***(2019) 20 SCC 705***, arose in the context of proceedings under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971. The said decision is distinguishable on facts and on the statutory framework applicable to the present case. The present proceedings arise under the provisions of the Tamil Nadu District Municipalities Act, 1920, concerning removal of encroachment upon public property more particularly a public pathway. Therefore, the reliance placed upon the said judgment does not advance the case of the petitioner.

12. In view of the above discussion, this Court finds no reason to



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interfere with the impugned order dated 11.05.2022 passed by the third respondent in Na.Ka.No.175 of 2015.

13. Insofar as W.P.(MD).No.7221 of 2016 is concerned, since the encroachment in Survey No.557 has already been removed, the respondents are directed to take appropriate action for removal of the encroachment in Survey Nos.927 and 928, in accordance with law, within a period of four weeks from the date of receipt of a copy of this order, and file a compliance report before this Court.

14. Registry is directed to post the matter under the caption “For Reporting Compliance” on **10.09.2026**.

15. Accordingly, W.P.(MD).No.7221 of 2016 stands allowed and W.P.(MD).No.11454 of 2022 stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition are closed.

[M.D.I.,J] [N.D.K.,J]
13.08.2026

Index: Yes/No
Internet: Yes/No
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Note : Issue Order Copy by 14.08.2026

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To

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Sub Collector,
Cheranmahadevi,
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**M.DHANDAPANI, J
AND
N.DILIP KUMAR, J**

TSG

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