

W.P.(MD)Nos.20020 of 2018 and 23065 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2026

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THE HONOURABLE MR.JUSTICE **C.V. KARTHIKEYAN**
and
THE HONOURABLE MR.JUSTICE **R.SAKTHIVEL**

W.P.(MD)Nos.20020 of 2018 and 23065 of 2022
and

W.M.P.(MD)Nos.17800 of 2018, 17166 of 2022 and 23259 of 2023

W.P(MD)No.20020 of 2018:-

Velladurai

... Petitioner

vs.

1.The District Collector,
Tirunelveli District, Tirunelveli.

2.The Tahsildar,
Nanguneri Taluk, Kalakkadu Block,
Tirunelveli District.

3.The Block Development Officer (VP),
Kalakkadu Panchayat Union,
Nanguneri Taluk, Tirunelveli District.

4.The Special Officer,
The Vadukachimathil Village Panchayat,
Rep. by the Block Development Officer,
Kalakkadu Block Tirunelveli District.



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5.Vishwanathan

6.Ashok Nambi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 1 to 4 to remove the encroachment made by the respondents 5 and 6 in respect of the Government Poramboke Lands in S.Nos.573/7 and 574/31 situated at Vadukachimathil Village, Nanguneri, Tirunelveli District.

For Petitioner	:Mr.M.Jothi Ramalingam
For R1 to R4	:Mr.K.K.Udhayakumar
	Counsel for State of Tamil Nadu
For R5 and R6	:Mr.V.Maharajan

W.P(MD)No.23065 of 2022:-

Ashok Nambi

... Petitioner

vs.

1.The District Collector,
Tirunelveli District, Tirunelveli.

2.The Thasildar,
Nanguneri Taluk, Tirunelveli District.

3.Arumugam

4.Velladurai

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the



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records pertaining to the impugned notice issued by the 2nd respondent dated 20.09.2022 and quash the same as illegal and consequently restraining the 2nd respondent from demolishing the petitioner's house and compound wall situated in a portion of Survey No.573/7, at Vadukachimathil Village, Nanguneri Taluk, Tirunelveli District.

For Petitioner	:Mr.V.Maharajan
For R1 and R2	:Mr.K.K.Udhayakumar Counsel for State of Tamil Nadu
For R3	:No appearance
For R4	:Mr.M.Jothi Ramalingam

ORDER

(Order of the Court was made by **C.V. KARTHIKEYAN, J.**)

W.P.(MD)No.20020 of 2018 had been filed in the nature of a Mandamus seeking a direction against the 1st-4th respondents, namely, the District Collector, Tirunelveli District, the Tahsildar, Nanguneri Taluk, the Block Development Officer, Kalakkadu Panchayat Union and the Special Officer, Vadukachimathil Village Panchayat, all at Tirunelveli District, to remove the encroachment made by the 5th and 6th respondents/father and son with respect to Government poramboke lands in S.Nos.573/7 and 574/31 situated at Vadukachimathil Village, Nanguneri, Tirunelveli District.



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2.W.P(MD)No.23065 of 2022, had been filed by the petitioner, who is the 6th respondent in W.P.(MD)No.20020 of 2018, in the nature of a Certiorarified Mandamus seeking records relating to a notice issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, issued by the second respondent/Tashildar Nanguneri, dated 20.09.2022 and quash the same and consequently, to restrain the second respondent from demolishing the house and compound wall of the property of the petitioner in a portion of S.No.573/7 at Vadukachimathil Village, Nanguneri Taluk, Tirunelveli District.

3.Since both the Writ Petitions relate to practically the same issue, they are both dealt with by this common order.

4.The petitioner in W.P.(MD)No.23065 of 2022 claims that the property at S.No.573/7 in Vadukachimathil Village, Nanguneri Taluk, Tirunelveli District, belongs to him consequent to a sale deed executed in favour of his father, dated 20.01.2003 by one A.Sudalaikannu. Subsequently, his father had settled the said property in favour of the petitioner by a settlement a deed, dated 31.07.2009. He claims title over



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the said property. But, however, in the Government records, the property in S.No.573/7 and also the property in S.No.574/31 are classified as Government poramboke lands. Contending that the petitioner had encroached upon Government poramboke lands and had put up construction unlawfully and illegally, the Tahsildar, Nanguneri Taluk, had initially issued notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 and subsequently, had also initiated proceedings under Section 6 of the said Act. If the petitioner is aggrieved, the only remedy available is to file an appeal under Section 10 of the Act. The Writ Petition is, therefore, not maintainable, since there is an efficacious alternative remedy available to the writ petitioner. Hence, this Writ Petition stands dismissed.

5.In W.P.(MD)No.20020 of 2018, the Writ Petitioner seeks eviction of the 5th and 6th respondents from the very same property, namely, the lands at S.No.573/7 and S.No.574/31 at Vadukachimathil Village, Nanguneri Taluk, Tirunelveli District, contending that the 5th and 6th respondents have unlawfully taken possession of Government poramboke lands and had also put up construction.



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6.It is contended that the application for planning permission forwarded by the 6th respondent had been rejected, but however, subsequently, the 6th respondent had obtained planning permission. It is contended that the 5th and 6th respondents continue to be in occupation. It is under those circumstances that the Writ Petition has been filed seeking a Mandamus directing eviction of the 5th and 6th respondents.

7.But however, we have noted that the official respondents have initiated legal proceedings by issuing notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, to the 6th respondent. The 5th respondent is his own father. Pursuant to such notice, further steps are also being initiated under Section 6 of the said Act. Since effective steps have been taken, we hold that no directions are required in the present Writ Petition.

8.We note that the proceedings under Section 6 of the Act had been initiated in the year 2022 and the petitioner in W.P.(MD)No.23065 of 2022 had not filed any appeal against said order under Section 10 of the Act. We are also informed that independent of these proceedings, the



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petitioner in W.P.(MD)No.23065 of 2022 had also filed O.S.No.173 of 2022, which is now pending before the District Munsif Court at Naguneri.

9.It is the case of the second respondent/Tahsildar, Nanguneri Taluk, that the land in question is a Government poramboke land. When that being the case, it is extremely doubtful whether the petitioner in W.P.(MD) No.23065 of 2022 can ever claim title over the said property. However, since O.S.No.173 of 2022 is pending before the District Munsif Court at Nanguneri and we are informed that pleadings have been completed and the matter is at the initial stages of recording evidence, we direct the learned District Munsif at Naguneri to bestow his special attention and endeavour to dispose of the said suit within a period of six (6) months from the date of receipt of a copy of this order.

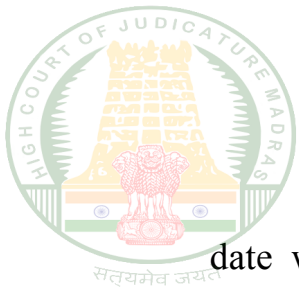
10.The learned Counsel for the 5th and 6th respondents contented that they have a decree in their favour passed by the learned Principal District Munsif-Judicial Magistrate, Nanguneri in O.S.No.161 of 2012 by judgment, dated 28.03.2018.



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11. That particular decree is an *ex parte* decree. The petitioner in W.P.(MD)No.20020 of 2018 is not a party to the said suit. The said decree would not confer title over the petitioner in W.P.(MD) No.23065 of 2022, since admittedly the land is a Government poramboke land. It is the State, which has prerogative to assign such land and we hope that the State would not forego their right or title or possession over the said land.

12. It is seen from the records that the encroachment by the petitioner in W.P.(MD)No.23065 of 2022 is alleged to be to an extent of about 16 cents in a substantial portion of the lands in S.No.573/7, Vadukachimathil Village, Nanguneri Taluk, Tirunelveli District. That particular issue will have to be now examined, if at all an appeal is filed before the District Collector, Tirunelveli District, under Section 10 of the Act. In view of that particular proceedings, which are now pending, we would dispose of W.P.(MD)No.20020 of 2018 by issuing a direction to the 6th respondent, if so advised, to file an appeal before the District Collector, Tirunelveli under Section 10 of the Tamil Nadu Land Encroachment Act, 1905 within a period of 10 working days from the



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date when this order copy is uploaded. We would further direct the District Collector, Tirunelveli, to endeavour to dispose of any appeal filed by the 6th respondent within a period of six months from the date on which the District Collector is seized of the said matter. If he does not file any appeal within a period of 10 days, then the second respondent/Tahsildar, Nanguneri is at liberty to proceed further in consequence to notice issued under Section 6 of the Act.

13.In the result,

- (1)W.P.(MD)No.23065 of 2022 stands dismissed;
- (2)W.P.(MD)No.20020 of 2018 stands disposed of.
- (3)No costs.
- (4)Consequently, connected miscellaneous petitions are closed.

[C.V.K., J.] [R.S.V., J.]
02.07.2026

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

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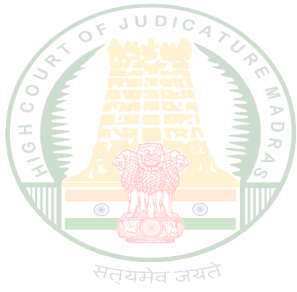


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To

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- 2.The District Collector,
Tirunelveli District, Tirunelveli.
- 3.The Tahsildar,
Nanguneri Taluk, Kalakkadu Block,
Tirunelveli District.
- 4.The Block Development Officer (VP),
Kalakkadu Panchayat Union,
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C.V. KARTHIKEYAN, J.

AND

R.SAKTHIVEL, J.

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