



1

W.P.(MD)NO.27162 OF 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2026

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MRS.JUSTICE R.POORNIMA

W.P.(MD)No.27162 of 2019

and

W.M.P.(MD)No.23475 of 2019

P.Vadivelan

... Petitioner

Vs.

1. The District Collector,
Madurai District.

2. The Tahsildar,
Melur Taluk,
Madurai District.

3. The Executive Officer / Block Development Officer,
Arittapatti Village Panchayat,
Melur Panchayat Union,
Madurai District.

4. Macharaja

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order of the second respondent made in Na.Ka.No.977/2019/A4 dated 02.12.2019 and quash the same as it is arbitrary and illegal and in consequence to direct the



respondents 2 and 3 to remove the encroachments in S.No.471/34 in Arittapatti Village in Melur Taluk, Madurai District.

For Petitioner : Mr.R.Suriyanarayanan

For Respondents : Mr.G.V.Vairam Santhosh,
Additional Government Pleader
for R-1 to R-3.

* * *

ORDER

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

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for respondents 1 to 3.

2. The fourth respondent has been served and his name is printed in the cause list but he has not chosen to enter appearance.

3. The writ petitioner is a resident of Arittapatti Village. His grievance is that in survey No.471/34, the fourth respondent has committed encroachment. He, therefore, filed W.P.(MD)No.1495 of 2019 for removing the same. This Court vide order dated 09.07.2019 directed the Tahsildar, Melur Taluk to consider the writ petitioner's



representation and pass a speaking order. Pursuant to the aforesaid direction, the Tahsildar, Melur conducted enquiry and concluded that the land in question has been classified as natham. A natham land is meant to be a house site. He also noted that the said land does not belong either to any temple or the HR&CE Department. After so holding, the Tahsildar, Melur rejected the petitioner's request. According to him, the occupation of the fourth respondent herein is not an encroachment.

4. The question that calls for consideration is whether the stand of the Tahsildar, Melur is justified. We had a look at the relevant extract of natham settlement register. It is seen therefrom that survey No.171/19 has been classified as sarkar poramboke. In the remarks column, the expression "temple" is found. From this, we can very easily infer that the land in question is a temple property. Vide order dated **12.02.2026 in W.P.(MD)No.100 of 2015 etc. Batch**, we had held as follows:-

“ 3.It is well settled that a land that has not been assessed to tax is classified as poramboke. Traditionally, temple lands were not assessed to tax.



The employment of the expression “poramboke” will not make any difference. In fact, temple lands have been classified as “temple poramboke lands”. The Hon'ble Division Bench in the decision rendered in W.A.(MD)No.126 of 2022 etc batch dated 13.06.2022 had held that even if in Column No.3, it has been mentioned as Arasu / Government poramboke, that would not take away the character of the land as belonging to temple if in column No. 12, the existence of temple is duly reflected.”

We had also held that once the character of the land as temple property is noted, any occupation by a private party therein must be deemed to be an encroachment. We, therefore, set aside the order impugned in the writ petition. However, we are not in a position to remand the matter to the file of the Tahsildar. The Tahsildar will have authority to take action for removing the encroachment only if it is a Government land. If it is not a Government land but a temple land, the remedy lies elsewhere. If the temple in question comes under the provisions of the HR&CE Act, then action can be taken under Section 78 of the said Act. Otherwise, the writ petitioner may have to resort to civil proceedings. Granting liberty to the temple trustees / interested persons to take action as per law for removing the



encroachment in question, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (R.POORNIMA, J.)
23rd March 2026

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

PMU

To:

1. The District Collector,
Madurai District.
2. The Tahsildar,
Melur Taluk,
Madurai District.
3. The Executive Officer / Block Development Officer,
Arittapatti Village Panchayat,
Melur Panchayat Union,
Madurai District.



WEB COPY



6

W.P.(MD)NO.27162 OF 2019

G.R.SWAMINATHAN, J.

AND

R.POORNIMA, J.

PMU

W.P.(MD)No.27162 of 2019

23.03.2026