



W.P.(MD) No.3355 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.03.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD) No.3355 of 2023

P.Chinnasamy

... Petitioner

-vs-

- 1.The District Collector
Madurai District
Madurai
- 2.The Revenue Divisional Officer
Usilampatti
Madurai District
- 3.The Block Development Officer
Sedapatti Union
Sedapatti, Madurai District
- 4.The Tahsildar
Peraiyur Taluk
Madurai District
- 5.Chellammal
- 6.Vempadiyan



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7.S.Ganesan

8.S.Mariappan

9.M.Ganesan

10.T.Ramachandran

11.T.Thangavel

12.P.Eswaran

13.K.Ramar

14.Mariappan

15.Muniraju

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 4 to remove the encroachment made by the private respondents in Survey No.17/1 (Oorani, Survey No.17/8 (Pillaiyar Kovil belonging to village) and Survey No.21/8 (Oorani), situated at P.Sangaralingapuram Village, Ezhumalai Taluk, T.Ramanathapuram Post, Madurai District, by considering the petitioner's representation dated 27.06.2022.

For Petitioner : Mr.G.S.Senthilkumar

For Respondents : Mr.S.P.Maharajan
Special Government Pleader for R1 to R4



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ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

Prayer in this writ petition is for a mandamus directing the respondents 1 to 4 to take action to remove encroachments made by the respondents 5 to 15 in Survey Nos.17/1, 17/8 and 21/8 of P.Sangaralingapuram Village, Ezhumalai Taluk, T.Ramanathapuram Post, Madurai District.

2. Though the petitioner in the affidavit claimed that the lands in Survey Nos.17/1, 17/8 and 21/8 of P.Sangaralingapuram Village are classified as “Oorani”, “Pillaiyar Kovil” and “Oorani” respectively, a perusal of the records produced by the petitioner himself shows that the lands in Survey Nos.17/1 and 21/8 are classified as “Natham” and the land in Survey No.17/8 is classified as “Pillaiyar Kovil”.

3. Section 2 of the Tamil Nadu Land Encroachment Act, 1905 excludes the applicability of Act to the lands classified as “House Site” or “Temple Site” and this Court has consistently held that the lands, which are



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classified as “House Site” or “Temple Site” do not vest with the Government.

Therefore, the prayer of the petitioner cannot be granted.

4. Hence, the writ petition is dismissed. It is left open to the petitioner to approach the appropriate Civil Court. No costs.

[R.S.M., J.]

[L.V.G., J.]

10.03.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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