



WEB COPY

W.P.No.18698 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2024

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and**

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

**W.P.No.18698 of 2020
and
W.M.P.No.23215 of 2020**

K.Duraisamy

... Petitioner

Vs.

1. The District Collector,
Collector Office, Erode.
2. The District Revenue Officer,
Brough Road, Erode.
3. The Revenue Divisional Officer,
Brough Road, Erode.
4. The Tahsildar,
Tahsildar Office,
P.S.Park, Erode.
5. Dr.T.C.Gnanasekaran

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records comprised in Na. Ka. No. 3075 / 2020 / A4 dated 24.11.2020 on the file of the 4th respondent and



quash the same.

For Petitioner : Mr.Harinath
for Mr.V.Balamurugane

For R1 to R4 : Mr.A.Selvendran,
Special Government Pleader

For R5 : Mr.T.L.Thirumalai Samy

ORDER

(Order of the Court was made by **S.M.SUBRAMANIAM, J.**)

The Writ Petition has been filed for calling the records comprised in Na. Ka. No. 3075 / 2020 / A4 dated 24.11.2020 on the file of the 4th respondent and quash the same.

2. The Revenue Tahsildar, Erode conducted an enquiry and identified encroachments in the subject property. The writ petitioner was also identified as an encroacher of Government land. Notice was issued to the petitioner. After conducting an enquiry, order was passed under the provisions of the Tamil Nadu Land Encroachments Act, 1905. Thus, the procedures, as contemplated were followed. Aggrieved persons against the order passed by the Tahsildar under the Tamil Nadu Land Encroachment



Act, 1905 is at liberty to prefer an appeal before the District Collector under Section 10 of the Act.

3. However, in the present case, the writ petitioner has not preferred any appeal. The facts reveal that the subject land is a “Grama Natham” land. In respect of “Grama Natham” land, Government has to regulate the same by following the procedures, as contemplated under Clause 21 of the Revenue Standing Orders. It is not as if any person can occupy the “Grama Natham” land and claim patta as a matter of right. In this case, patta was originally granted in favour of the writ petitioner and since, the writ petitioner has violated the conditions stipulated, the patta was cancelled and the land remains as a Government land.

4. The learned counsel for the 5th respondent would submit that the subject land has not been classified as “Grama Natham”, but the same is a Road Poromboke. However, the counter filed by the Tahsildar reveals that the subject land is classified as “Natham” land, but used as a road.

5. In any event, Government is empowered to regulate the Natham lands under the Revenue Standing Orders. The petitioner, as of now is an



encroacher. Therefore, the respondents are directed to initiate all appropriate actions in the manner known to law by evicting the encroachers within a period of 12 weeks from the date of receipt of a copy of this order.

6. Accordingly, the Writ Petition stands disposed of. Consequently, the connected Miscellaneous Petition is closed. No costs.

(S.M.S.,J.) (K.R.S.,J.)
21.03.2024

skr
Index : Yes
Speaking order

To

1. The District Collector,
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2. The District Revenue Officer,
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3. The Revenue Divisional Officer,
Brough Road, Erode.
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