



W.P.No.81 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2025

C O R A M

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.81 of 2022 and

W.M.P.No.78 of 2022

Chidambaram Sarvodaya Sangh

Rep by its Secretary

M.S.Senthilkumar Age-42,

S/o.Late Selvaraj, Reg.No.31/1974,

Having Head Office No.48,

South Car Street,

Chidambaram- 608 001

Cuddalore District.

(Affiliated with the Tamil Nadu Sarvodaya Sangh, Tirupur)

... Petitioner

-vs-

1. The District Collector,

Cuddalore,

Cuddalore District.

2. The Thasildar,

Chidambaram Taluk,

Cuddalore District.

3. The Block Development Officer,

Keerapalayam Panchayat Union,

Chidambaram Taluk, Cuddalore District.

4. Khadi and Village Industries Commission,

Ministry of Micro, Small and Medium Enterprises,

Government of India,

No.326, Avvai Shanmugham Road,



W.P.No.81 of 2022

Gopalapuram, Chennai- 600 086 Tamil Nadu.

5. Chezhan

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorari, calling for the impugned order passed by the 2nd respondent in his proceeding Na.Ka.A1/2636/2017 dated 27.09.2021 received on 16.10.2021 and quash the same.

For Petitioner : Mr.K.Raja

For R1 to R3 : Mr.T.Arun Kumar
Addl. Govt. Pleader

For R5 : Mr.P.R.Thiruneelakandan

For R4 : No Appearance

ORDER

(By.S.M.SUBRAMANIAM,J.,)

The notice dated 27.09.2021 issued by the Tahsildar, Chidambaram is under challenge in this present writ petition.

2. Based on the information given by the 5th respondent, the Revenue Authorities conducted survey and identified encroachments. The Revenue Authorities found that the petitioner has also encroached a portion of the Government Poramboke land in S.Nos.74/4A, 78, 77/1, 89. Thus, the Tahsildar issued impugned notice, asking the petitioner / Sarvodaya Sangh to vacate the encroached portion within a period of seven days. Aggrieved by the same, the petitioner has chosen to file the



W.P.No.81 of 2022

present Writ Petition.

WEB COPY

3. Mr.K.Raja, learned counsel for the petitioner would contend that the petitioner is Sarvodaya Sangh, a registered Organization and the Headquarters Office is situate at Tiruppur. It is an institution, promoting Khadi and Village Industries. They are not encroachers of public land and the subject land is a patta land. Therefore, the notice issued by the Tahsildar is untenable.

4. Learned Additional Government Pleader would oppose by stating that Revenue Authorities identified encroachments based on the revenue records. Actions have been initiated and notice came to be issued, asking the petitioner to vacate the portion of the Government land within seven days. Instead of handing over the Government land, the petitioner has filed the present writ petition.

5. Earlier, the very same petitioner filed W.P.No.19774 of 2018 and the said Writ Petition was disposed of with a direction to approach the Civil Court of Law. Thereafter, yet another writ petition was filed in W.P.No.7758 of 2019 and in the said Writ Petition, a direction was



W.P.No.81 of 2022

issued to approach the Civil Court of Law. Thus, the present writ petition cannot be entertained.

6. When the Revenue Authorities initiated enforcement action for removal of encroachments, any person claiming title or ownership of the property must approach the Civil Court of Law to establish the right over the property based on the documents available on record. Neither the Revenue Authorities nor the High Court, in exercise of judicial review, can decide the title dispute or the disputed facts of civil nature. The Civil Court has to decide the title or ownership in a trial nature proceedings.

7. In the present case, a notice alone was issued. Enforcement actions are not yet commenced. If at all encroachments are identified on the basis of revenue records available, the jurisdictional Tahsildar is bound to initiate enforcement action by following the procedures as contemplated under the Tamil Nadu Land Encroachment Act, 1905. Since the petitioner has filed three writ petitions in respect of three different survey numbers, action initiated in the year 2021 has been kept pending for 4 years. Under these circumstances, the 2nd respondent is directed to initiate appropriate action and conclude the enforcement action



W.P.No.81 of 2022

within a period of twelve weeks from the date of receipt of a copy of this order.

8. At this juncture, learned counsel for the petitioner would submit that the 5th respondent has made a complaint with an ulterior motive to use the subject location for illegal mining activities in Vellaru River. If any such allegations arise, it is for the petitioner or any other person to file a suitable complaint for initiation of appropriate action.

With these observations and directions, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

(S.M.S,J.,) (C.K,J.,)
02.12.2025

Index: Yes
Internet: Yes
ar

To:

1. The District Collector,
Cuddalore,
Cuddalore District.
2. The Thasildar,
Chidambaram Taluk,
Cuddalore District.



W.P.No.81 of 2022

3. The Block Development Officer,
Keerapalayam Panchayat Union,
Chidambaram Taluk, Cuddalore District.
4. Khadi and Village Industries Commission,
Ministry of Micro, Small and Medium Enterprises,
Government of India,
No.326, Avvai Shanmugham Road,
Gopalapuram, Chennai- 600 086 Tamil Nadu.

S.M.SUBRAMANIAM, J.
AND
C.KUMARAPPAN, J.
ar

W.P.No.81 of 2022



WEB COPY



W.P.No.81 of 2022

02.12.2025