



W.P(MD)No.3143 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.06.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

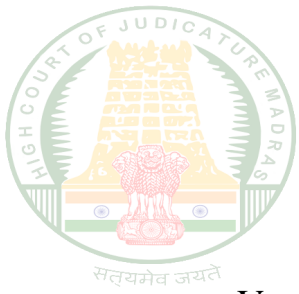
**W.P(MD)No.3143 of 2025
and
W.M.P.(MD) Nos.2203, 2204 and 2207 of 2025**

Kanagaraj

... Petitioner

Vs.

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Revenue Divisional Officer-cum-
Sub-Divisional Executive Magistrate,
Sattur, Virudhunagar District.
- 3.The Tahsildar,
Vembakottai Taluk Office,
Vembakottai,
Virudhunagar District.
- 4.The Block Development Officer,
Vembakottai Taluk,
Virudhunagar District.
- 5.The President,
Kongankulam Panchayat,
Kongankulam,



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Vembakottai Taluk,
Virudhunagar District-626 127.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the entire records in relating to the impugned order of the 2nd respondent made in Moo.Mu.Aa1/5884/2024, dated 30.12.2024 and to quash the same insofar as the petitioner is concerned and consequently, to forbear the respondents from disturbing the peaceful possession and enjoyment of the petitioner's house situate in Survey Now.44/23 and 45/2 in Kongankulam Village, Vembakottai Taluk, Virudhunagar District.

For Petitioner : Mr.S.Jeyakarthik

For Respondents : Mr.J.Ashok
Additional Government Pleader

ORDER

[Order of the Court was made by S.M.SUBRAMANIAM, J.]

Challenging an order of the second respondent in Moo.Mu.Aa1/5884/2024, dated 30.12.2024, the petitioner is before this Court.



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2. It is not in dispute that the authorities have identified encroachments in the land classified as “Government poramboke street” and that the petitioner is an encroacher.

3. The learned Additional Government Pleader appearing on behalf of the respondents would submit that the authorities have not disturbed the house constructed by the petitioner under his patta land, but the authorities have initiated action to remove encroachment in the “Government poramboke street” and thus, there is no infirmity in the order passed by the second respondent.

4. Pertinently, Section 7 notice under the Tamil Nadu Land Encroachment Act, 1905 was issued after affording opportunity to the petitioner. Section 6 notice has also been issued. Further, the petitioner preferred an appeal before the District Collector, Virudhunagar, under Section 10 of the Land Encroachment Act against the order impugned. Thus, the District Collector/first respondent is directed to conduct an enquiry and dispose of the appeal filed under Section 10 of the Land Encroachment Act within a period of four weeks from the date of receipt



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of a copy of this order and thereafter, the competent authorities are directed to remove encroachments, if any, identified and confirmed by the District Collector in Section 10 order. The entire exercise is directed to be completed within a period of twelve weeks from the date of receipt of a copy of this order.

5. The learned counsel for the petitioner would submit that some other persons have also encroached upon the “Government poramboke street”. This fact may also be verified by the third respondent and if necessary, all further actions be initiated.

6. With the above directions, this Writ petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[S.M.S., J.] [A.D.M.C., J.]
04.06.2025

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



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