



W.P.(MD)No.4614 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

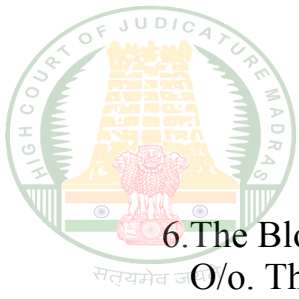
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Mahalakshmi

... Petitioner

Vs.

- 1.The District Collector /
Monitoring Committee,
Trichy District, Trichy.
- 2.The Revenue Divisional Officer,
Lalgudi Taluk, Trichy District.
- 3.The Tahsildar,
Lalgudi Taluk,
Lalgudi, Trichy District.
- 4.The Chief Educational Officer,
O/o. the District Primary Educational Office,
Siruthaiyur, Lalgudi Taluk.
- 5.The District Educational Officer,
O/o.The District Educational Office,
Siruthaiyur, Lalgudi Taluk, Trichy District.



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6. The Block Educational Officer,
O/o. The Block Educational Office,
Manakkal, Lalgudi Taluk, Trichy District.

7. The Headmaster,
Panchayat Union Primary School,
West Street, Poovalur, Lalgudi Taluk,
Trichy District.

8. Vasuki

9. Jayalakshmi

10. Hariharan

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 2 and 3 to remove the encroachment made in Old S.F.No.108/1A2, New S.F.No.108/11 to an extent of 0.1125 Ares located at West Street, Poovalur, Lalgudi Taluk, Trichy District within the time frame as fixed by this Court.

For Petitioner : Mr.P.Pandia Rajan

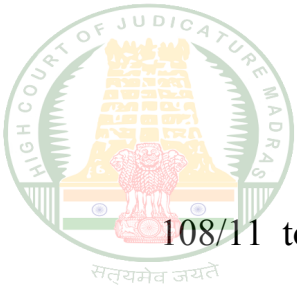
For R1 to R7 : Mr.J.Ashok,
Additional Government Pleader

For R8 to R10 : Mr.R.Sundar

ORDER

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

The Writ of Mandamus has been instituted to direct the respondents 2 and 3 to remove the encroachment made in Old S.F.No.108/1A2, New S.F.No.



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108/11 to an extent of 0.1125 Ares located at West Street, Poovalur, Lalgudi Taluk, Trichy District within the time frame as fixed by this Court.

2.The learned counsel appearing for the petitioner would submit that the subject lands described in the present Writ Petition have been classified as 'School' and 'Temple' in the revenue records. It is a public property belongs to the Government and the encroachers are to be evicted. Instead of removing the encroachments and utilizing the Government lands for public purposes, the official respondents are taking initiative to grant patta to a private person, which is illegal. Thus, the present Writ Petition came to be instituted.

3.The learned counsel appearing for the respondents 8 to 10 would submit that civil Suit has been instituted for declaration of title and the same is pending.

4.The learned Additional Government Pleader appearing for the respondents 1 to 7 would oppose by stating that the Suit has been instituted in respect of S.F.No.108/12 and not against S.F.No.108/11, which is a public property.



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5. May that as it be, it is the duty of the revenue authorities to protect the public properties. Mere possession in a Government property would not confer any title and such encroachment cannot be a ground to recommend the case for grant of patta. The assignment of land to be made under the Government schemes to the landless poor people by scrupulously following the terms and conditions stipulated under RSO, more specifically, RSO 21 or 26 as the case may be. However, the Tahsildar cannot recommend for grant of patta to the private persons in respect of the Government lands, which would result in a anomalous situation where there is a possibility of granting assignment in an illegal manner. However, such grant of patta would result in unjust gain to the individual, which would result in loss to the public property. Therefore, the revenue authorities, who are making such recommendations, are liable to be prosecuted. While making recommendations, the authorities competent are bound to look into the relevant rules and RSO and thereafter, initiate appropriate actions. Contrarily, blanket recommendations if any made are to be rejected and the officials making such recommendations are to be subjected to departmental disciplinary proceedings.



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6. In the present case, even as per the 3rd respondent, the subject property has been classified as Government Poramboke and allotted for Primary School and Temple. That being the classification would remain unaltered, the encroachers in the said property are to be evicted and the lands are to be utilized for the purpose for which it was allotted or for any other public purpose for the benefit of the people.

7. The 5th respondent in the counter has stated that both the properties in S.F.Nos.108/11 and 108/12 are classified as 'Primary School' and 'Vinayagar Temple' respectively and if the respondents 8 to 10 encroached any of the portion in the referred properties, such encroachments shall be removed in the manner known to law.

8. Since the Education Department is also interested in occupying the subject lands for the benefit of construction of Primary School or to utilize the property for the benefit of the Education Department, actions to remove the encroachments are imminent.



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9. In view of the above factum, the respondents 1 to 3 are directed to identify the encroachments and evict the encroachers by following the procedures as contemplated under the relevant statutes and rules and thereafter, utilize the land for public purpose in the manner as contemplated under law. The said exercise is directed to be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

10. With the above direction, this Writ Petition is allowed. No costs.

(S.M.S., J.) & (A.D.M.C., J.)
24.06.2025

NCC : Yes / No

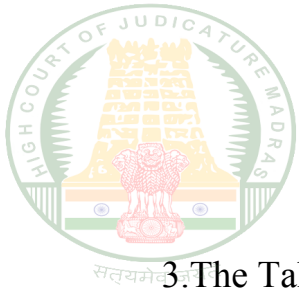
Index : Yes / No

Yuva

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- 3.The Tahsildar,
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