



W.P(MD)No.3294 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.06.2025

CORAM:

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

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Subramani

... Petitioner

Vs

1. The District Collector,
Office of the Collector Building,
Trichy District.

2. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Vannankovil,
Srirangam Taluk,
Trichy District.

3. The Tahsildar,
Office of the Tahisildar,
Manapparai Taluk,
Trichy District.

4. Kalaiselvan

5. Tamilselvan



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6. Mariammal

7. Chinnadurai

8. Santhi

9. Lakshmidurai

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 1 to 3 to take necessary steps to remove the encroachment made by the 4th to 9th respondents in survey No.469/21 situated at Thavalaiveeranpati Village, Manapparai Taluk, Trichy District by considering the petitioner's representation dated 21.12.2024.

For Petitioner : Mr.K.Manoharan,

For Respondents : Mr.J.Ashok (R1 to R3)
Additional Government Pleader

: No Appearance (R4)

: Mr.A.N.Ramanathan (R6 & R8)



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ORDER

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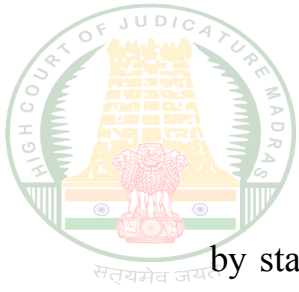
[Order of the Court was made by S.M.SUBRAMANIAM, J.]

The Writ on hand has been instituted to direct the respondents 1 to 3 to take necessary steps to remove the encroachment made by the respondents 4 to 9 in survey No.469/21 situated at Thavalaiveeranpati Village, Manapparai Taluk, Trichy District, by considering the petitioner's representation, dated 21.12.2024.

2.The learned Counsel for the petitioner would submit that the Government land has been encroached upon by the respondents 4 to 9 depriving the people of that locality to use the Government land for public purposes.

3.The learned Additional Government Pleader would submit that all appropriate actions will be initiated to evict the encroachers by conducting inspection and survey the land.

4.The learned Counsel for the respondents 6 and 8 would oppose



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by stating that the contesting respondents are in occupation of land to a smaller extent and they have submitted an application seeking patta, which is pending for consideration.

5.Mere pendency of an application is not a ground to encroach upon the Government property. If at all the respondents are eligible for free house site patta, their case has to be considered in terms of Revenue Standing Order 21 of Board of Revenue and under the Government schemes. Therefore the occupied land cannot be claimed to be a matter of right nor such occupants submit an application seeking patta for the very same land.

6.In view of the above facts and circumstances, the respondents 1 to 3 are directed to initiate enforcement action against the encroachers by following the procedures as contemplated under Tamil Nadu Land Encroachment Act, 1905 and evict the encroachers. The said exercise is directed to be completed within a period of twelve weeks, from the date of receipt of a copy of this order.



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7. With the above direction, the writ petition stands disposed of.

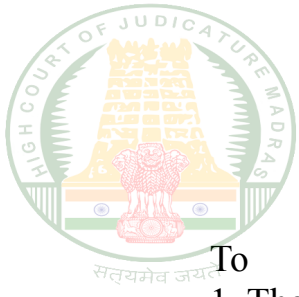
There shall be no order as to costs.

8. As far as Natham lands are concerned, the legal position has been settled by the Hon'ble Division Bench of this Court in the case of *The Tahsildar, Sankarapuram Vs. T.Elumalai and two others*, reported in **2025:MHC:1238**. The authorities shall follow the said legal position also in respect of the Natham lands.

[S.M.S., J.] [A.D.M.C., J.]
05.06.2025

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

LR



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and
DR.A.D.MARIA CLETE, J.

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