



W.P(MD)No.6859 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.06.2025

CORAM:

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

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P(MD)No.6859 of 2025

and

W.M.P.(MD) No.5138 of 2025

1. L.Raju @ Rasu

2. Vaijayanthimala

3. Malairaj

4. Sakthivel

5. Krishnamurthi

... Petitioners

Vs

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.

2. The Assistant Director,
District Survey Office,
Collectorate,
Ramanathapuram. - 623503.



W.P(MD)No.6859 of 2025

3. The District Revenue Officer,
Ramanathapuram District,
Ramanathapuram.

4. The Special Tahsildar,
Adi Dravidar Welfare Department,
Office at Collectorate,
Ramanathapuram,
Ramanathapuram.

5. The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.

6. The Tahsildar,
Ramanathapuram Taluk,
Ramanathapuram.

7. C.Chelladurai

... 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 to consider the petitioners representation dated 21.02.2025 and further direct the respondents to recognize the lawful ownership and possession of the petitioners in accordance with the pattas issued on 13.11.1975 and the corrected survey map dated 18.01.2002 and restrain the respondents from taking any coercive action against the petitioners based on the false allegations and misleading representations made by the 7th Respondent.



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W.P(MD)No.6859 of 2025

For Petitioners : Mr.V.Rajiv Rufus,
For Respondent : Mr.S.P.Maha Rajan (R1 to R6)
Special Government Pleader

ORDER

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

The writ on hand has been instituted to direct the respondents to consider the petitioners' representation, dated 21.02.2025 and direct the respondents to recognise the lawful ownership and possession of the petitioners in accordance with the pattas issued on 13.11.1975 and the corrected survey map dated 18.01.2002 and restrain the respondents from taking any coercive action against the petitioners based on the representations made by the seventh respondent.

2.The relief sought for in the present writ petition is absolutely misconceived. Such a relief cannot be issued against the revenue authorities to recognise the ownership of a person. Declaration of title must be made by the authority of law. Mere occupation of a land would not confer any right. Therefore, the Writ Court cannot adjudicate the disputed facts relating to title or ownership.



W.P(MD)No.6859 of 2025

WEB COPY

3.The seventh respondent filed a writ petition in W.P(MD)No. 23322 of 2024 for removal of encroachments. This Court passed an order on 30.09.2024 directing the authorities to initiate action by following the procedures and conclude the same within a period of twelve weeks. Consequently, the competent authority, under the Tamil Nadu Land Encroachment Act, issued a notice under Section 7 and after affording opportunity, an order under Section 6 of the Act has been passed.

4.The learned Counsel for the petitioners drew the attention of this Court to the proceedings of the Assistant Director of Survey, dated 18.01.2002.

5.The proceedings of the Assistant Director of Survey would not confer any title or ownership, which is to be established in the manner known to law. The petitioner was already construed as an encroacher by the revenue authorities and action has been taken under the Tamil Nadu Land Encroachment Act. Under these circumstances, the present writ



W.P(MD)No.6859 of 2025

WEB COPY

petition is filed with an idea to escape from the clutches of eviction proceedings, which cannot be encouraged by this Court.

6.Thus, this writ petition stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

[S.M.S., J.] [A.D.M.C., J.]
11.06.2025
(1/2)

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

LR

To

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5/7



W.P(MD)No.6859 of 2025

4. The Special Tahsildar,
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Office at Collectorate,
Ramanathapuram,
Ramanathapuram.

5. The Revenue Divisional Officer,
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WEB COPY



W.P(MD)No.6859 of 2025

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

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W.P(MD)No.6859 of 2025

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(1/2)