



W.P.(MD)No.5817 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2025

CORAM:

THE HONOURABLE **Dr.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

W.P.(MD)No.5817 of 2023

A.Sudalaimuthu

... Petitioner

/Vs./

1.The District Collector,
Tirunelveli.

2.The Tahsildar,
Taluk Office,
Cheranmahadevi,
Tirunelveli District.

3.The Managing Director,
Seshasayee Paper & Boards Ltd.,
Ilanthakulam Village,
Singamparai Post, Mukkudal Via,
Tirunelveli District.

... Respondents

PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents 1 and 2 to remove the encroachments caused by the third respondent upon



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the cart track in S.No.779(2) situated in Ariyanayagipuram, part-II Village, Tirunelveli Taluk and District in accordance with law within a time frame to be stipulated by this Court.

For Petitioner : Mr.Aswin Nath
for Mr.A.Mohammed Haneef
For Respondents : Mr.D.Sadiq Raja,
Additional Government Pleader
for R1 & R2
Mr.A.L.Somayaji, senior counsel
for Mr.A.Srinivasan for R3

ORDER

(Order of the Court was made by **Dr.ANITA SUMANTH, J.**)

The petitioner prays for a mandamus directing R1 / District Collector, Tirunelveli District and R2 / Tahsildhar, Cheranmahadevi, Tirunelveli District to remove encroachments alleged to have been caused by R3 upon a cart track in S.No.779(2), Ariyanayagipuram, part-II Village, Tirunelveli Taluk and District (property / property in question / subject property).



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2. The respondents, both the official respondents as well as private respondent / R3, have filed counter affidavits.

3. R3 in the counter denies that there are any encroachment in the cart track. The counter filed by R2 is however more relevant as it would set out an unbiased position of the classification of land in the revenue records and whether at all there has been any encroachment by R3 or by anybody else as alleged by the petitioner.

4. In paragraph no.6 of the counter, the Tahsildar categorically denies that there is any encroachment either caused by R3 or by anybody else in the subject property.

5. After setting out the classification of the property as Government Poromboke registered as cart track in the revenue records, they refer to the inspection of the land, wherein, it is ascertained that there is no encroachment by R3.

6. No compound wall has been found as alleged and the people of the village are stated to be using the property as pathway / cart track.

Paragraph no.6 of the counter is extracted as follows:-

6) I humbly submit that the, main contention of the petitioner here in is to remove the encroachment caused



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by the 3rd respondent upon the cart track in respect of Survey No 779/2 situated at Ariyanayagapuram village Part II in Tirunelveli District. The averment made by the petitioner in the affidavit is denied as false. Infact the land to an extent of 0.08.50 Hectare in respect of survey No 779/2 situated at Ariyanayagipuram part II village has been classified as Government poramboke and registered as cart track in the Revenue Records. Thereafter made an Inspection on the Subject land, it can be clearly known that there is no encroachment on such land caused by the 3rd respondent. Moreover no compound wall has been constructed on such land as mentioned by the petitioner in the affidavit stated on. Village people as well as Agriculturists of this locality usually using such land as pathway and cart tract till this day. There has been no hurdles on the subject land made by 3rd respondent.

7. In light of the categoric factual assertion, the prayer for mandamus is rejected and this writ petition is dismissed. No costs.

[A.S.M.J.] & [C.K.J.]
25.11.2025

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

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To
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1.The District Collector,
Tirunelveli.

2.The Tahsildar,
Taluk Office,
Cheranmahadevi,
Tirunelveli District.



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Dr.ANITA SUMANTH, J.
AND
C.KUMARAPPAN, J.

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