



Rev.Aplw(MD)No.8 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.07.2025

CORAM:

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

Rev.Aplw(MD)No.8 of 2019

in

W.P.(MD)No.2160 of 2018

and

W.P(MD)No.6605 of 2019

and

W.M.P(MD)Nos.1332, 5282 & 6590 of 2019

Rev.Aplw(MD)No.8 of 2019

1.The President,
Ponnamman Mahalir Mandram,
Registration S.No.17 of 2006, North Street,
Thuvar Village, Thirupathur Taluk, Sivagangai District.

2.The Secretary,
Ponnamman Mahalir Mandram,
Registration S.No.17 of 2006, North Street, Thuvar Village,
Thirupathur Taluk, Sivagangai District.

...Petitioners/4th and 5th Respondents

Vs.

1.Diraviyam

2.The District Collector,
Sivagangai District, Maruthupandiyar Nagar,
Sivagangai, Sivagangai Taluk and District.

3.The Assistant Collector,
Devakottai, Sivagangai District..

4.The Tahsildar,
Thirupathur Taluk, Thirupathur, Sivagangai District.

...2 to 4 Respondents/Respondents 1 to 3



Rev.Aplw(MD)No.8 of 2019

PRAYER in Rev.Aplw(MD)No.8 of 2019: Review Application is filed under Order 47 Rule 1 & 2 r/w Section 114 of C.P.C., to review the order dated 03.01.2019, made in W.P(MD)No.2160 of 2018 on the file of this Court.

PRAYER in W.P(MD)No.2160 of 2018: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of **Certiorarified Mandamus**, calling for the records from the 1st respondent District Collector relating to the impugned order passed by him in his proceedings in Na.Ka.De.1/2822/2014 dated 09/11/2017, quash the same and consequently direct the respondents to evict the encroachment of the offending building in Survey No.469/5, Thuvar Village, Thirupathur Taluk, Sivagangai District, within the time to be stipulated by this Court.

For Petitioner : M/s.T.Dinesh
for M/s.Veera Associates

For Respondents : M/s.G.Prabhu Rajadurai for R1
Mr.V.Om Prakash
Government Advocate for R2 to R4

* * * * *

W.P(MD)No.6605 of 2019

The President,
Ponnamman Mahalir Mandrum,
Registration S.No.17 of 2006,
North Street, Thuvar Village, Thirupathur Taluk,
Sivagangai District.

...Petitioner

Vs.

1.The District Collector,
Sivagangai District, Maruthupandiyar Nagar,
Sivagangai, Sivagangai Taluk and District.
2.The Headquarters,
Deputy Tahsildar,
Thirupathur Taluk, Thirupathur, Sivagangai District.
3.Diraviyam

...Respondents



Rev.Ap/w(MD)No.8 of 2019

PRAYER in W.P(MD)No.6605 of 2019: Writ Petition is filed under Article 226 of the Constitution of India, to issue a **Writ of Certiorarified Mandamus**, calling for the impugned order issued by the 2nd respondent dated 08.03.2019 and quash the same and consequently directing the respondents 1 and 2 from in any manner interfering with the peaceful possession and enjoyment of the property comprised in S.No.469/5 situated at Thuvvar village, Tirupathur Taluk, Sivagangai District.

For Petitioner : M/s.T.Dinesh
for M/s.Veera Associates

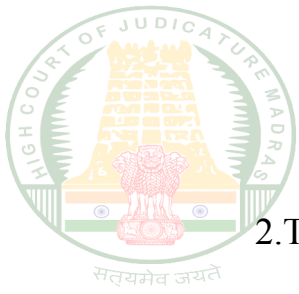
For Respondents : Mr.V.Om Prakash
Government Advocate for R1 & R2
M/s.G.Prabhu Rajadurai for R3

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COMMON ORDER

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

It is not in dispute between the parties that the subject land has been classified as Government Sarkar Manai Natham. As far as Natham lands are concerned, the terms for assignment has been stipulated under Order 21 of the Revenue Standing Order. The Government is empowered to regulate the Government lands under the Revenue Standing Order and by assigning Natham lands in accordance with the conditions stipulated under Order 21 of the Revenue Standing Order. However, no one is entitled to occupy the Government lands voluntarily and squat upon the said land. They should be construed as the encroachers and the authorities are empowered to remove the encroachment by following the procedures as contemplated under the statue and rule in force.



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2.The learned Counsel appearing for the respondents would submit that the enforcement actions have already been initiated. Section 7 notice was issued to afford an opportunity to the encroachers. The said notice issued under Section 7 is under challenge. The petitioner submitted his explanation along with the documents if any, and thereafter, the jurisdictional authority has to issue final notice under Section 6. The final notice issued under Section 6 is susceptible to an appeal under Section 10 of the Tamil Nadu Land Encroachment Act, 1905. Thus, the aggrieved person has to exhaust the remedy contemplated under the statute. Such Notice issued under Section 7 is entertainable granting liberty to the petitioner to approach the competent authority under the Tamil Nadu Land Encroachment Act, 1905.

3.Accordingly, this W.P(MD)No.6605 of 2019, stands dismissed. In view of the order passed in the writ petition, the Review Application is also closed. No costs. Consequently, connected Writ Miscellaneous Petitions are also closed.

[S.M.S., J.] [B.P., J.]
15.07.2025

Index:Yes/No
Internet:Yes/No
NCC:Yes/No
RJR/NST



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S.M.SUBRAMANIAM, J.
and
B.PUGALENDHI, J.

RJR/NST

To

- 1.The District Collector,
Sivagangai District, Maruthupandiyar Nagar,
Sivagangai, Sivagangai Taluk & District.
- 2.The Assistant Collector,
Devakottai, Sivagangai District
- 3.The Tahsildar,
Thirupathur Taluk, Thirupathur, Sivagangai District.

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