



W.P.(MD)No.9349 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 03.04.2025

CORAM:

**THE HON'BLE MRS JUSTICE J. NISHA BANU**

**AND**

**THE HON'BLE MRS JUSTICE S.SRIMATHY**

W.P.(MD)No.9349 of 2025

and

W.M.P.(MD)No.6981 of 2025

K.Mariyappan

...Petitioner

-Vs-

1.The District Collector,  
Tenkasi District, Tenkasi.

2.The Revenue Tahsildar,  
Alangulam Taluk Office,  
Tenkasi District.

3.The Block Development Officer,  
Keezhapavoor Panchayat Union,  
Pavoorchathram, Tenkasi District.

4.The Revenue Inspector,  
Keezhapavoor,  
Adaikalapattinam,  
Alangulam Taluk,  
Tenkasi District.

...Respondents

PRAYER:Writ Petition is filed under Article 226 of the Constitution of India  
praying for the issuance of a Writ of Certiorarified Mandamus, to call for the



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records relating to impugned proceedings in REVALG/560/2023/A2 dated 26.03.2025 on the file of the 2nd respondent and quash the same as illegal and arbitrary and consequently direct the 2nd respondent to cancel the Poosthi Theru (Poosthi Theru) in Survey No. 10/1A1 and make appropriate amendment in the revenue records as per the SLR Records within the time limit that may be stipulated by this Court.

For Petitioner : Mr.A.D.Ganeshamoorthi  
For Respondents : Mr.J.Ashok  
Additional Government Pleader

**ORDER**

(Order of the Court was made by **J.NISHA BANU, J.**)

The petitioner has filed this writ petition challenging the eviction order passed by the second respondent.

2.The contention of the petitioner is that the subject properties were purchased by the father of the petitioner. The said properties were settled in favour of the petitioner by his father. Thereafter, the petitioner is in possession and enjoyment of the property without any hindrance. While being so, during UDR, the property of the petitioner was classified as Poosthi Theru. The petitioner came to know about the same only when a notice was issued by the fourth respondent herein alleging encroachment. Thereafter, the petitioner sent a reply stating that the subject properties are the patta land. However, the second respondent without considering the same, has passed the present order directing



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the petitioner to remove the encroachment. Hence, the petitioner has filed this writ petition.

3.The learned Additional Government Pleader appearing for the respondents, on instructions, fairly submits that except issuing notice under Section 7 to the petitioner, no opportunity of hearing was granted to the petitioner to substantiate his contention, before passing the impugned order.

4.In view of the above submission, the order impugned in this writ petition is set aside and the matter is remanded back to the authorities concerned for fresh consideration. The authorities concerned are directed to issue fresh notice to the petitioner and after affording an opportunity of hearing to the petitioner, pass appropriate orders on merits and in accordance with law within a period of twelve [12] weeks from the date of receipt of a copy of this order.

5.Accordingly, this writ appeal is allowed. No costs. Consequently, connected miscellaneous petition is closed.

**(J.N.B.,J.) (S.S.Y.,J.)**  
**03.04.2025**

Index: Yes/No  
Internet : Yes/No  
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**J. NISHA BANU,J.**  
and  
**S.SRIMATHY.J**

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