



**W.P.(MD)Nos.1705 of 2019 and 2179 of 2020**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**WEB COPY**

**DATED : 26.06.2025**

**CORAM:**

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

**AND**

**THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**W.P.(MD)Nos.1705 of 2019 and 2179 of 2020**

**and**

**W.M.P(MD)Nos.1459, 1460 of 2019 and 20810 of 2023**

**W.P(MD)No.1705 of 2019**

**A.Savari**

**... Petitioner in both W.Ps**

**Vs.**

**1.The District Collector,  
Sivagangai District,  
Sivagangai.**

**2.The Deputy Director,  
Sivagangai Composite Local Planning Authority,  
Sivagangai Region,  
No.430, Gandhi Veethi,  
Sivagangai District.**

**3.The Executive Officer,  
Soosaiyappar Pattinam Panchayat,  
Kattenthal Sukkanoorani,  
117, Pallivayal Group,  
Kalaiyarkovil Taluk,  
Sivagangai District.**



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4.A.Manikam

5.The Tahsildar,  
Kallayarkovil Taluk,  
Kallayarkovil,  
Sivagangai District.

...Respondents in W.P(MD)No.1705/19

1.The Secretary,  
Government of Tamil Nadu,  
Dept. of Revenue,  
Fort St.George,  
Chennai.

2.The District Collector,  
Sivagangai District,  
Sivagangai.

3.The Tahsildar,  
Kallayarkovil Taluk,  
Kallayarkovil,  
Sivagangai District.

4.A.Manickam

...Respondents in W.P(MD)No.2179/20

**PRAYER in W.P(MD)No.1705 of 2019:** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for records relating to the impugned proceedings of the 2<sup>nd</sup> respondent in Na.Ka.No. 1731/2017 Cl.M.4 dated 31.08.2017 and quash the same as illegal and consequently direct the 2<sup>nd</sup> respondent to take action against the unauthorized construction made in Survey No.292/1, Pallivayal Group, Kallayarkovil Taluk, Sivagangai District, within the time that may be stipulated by this Court.



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**PRAYER in W.P(MD)No.2179 of 2020:** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2<sup>nd</sup> and 3<sup>rd</sup> respondents to remove the encroachment made in S.No.292/1 by the fourth respondent in Pallivayal Group, Kalaiyarkovil Taluk, Sivagangai District, by considering the petitioner's representation dated 10.01.2020 within the time that may be stipulated by this Court.

For Petitioner :M/s.H.Jasima Yasmin Begum,  
in both W.Ps for M/s.Ajmal Associates

For R1,R2,R3,R5 :Mr.P.Thilakkumar,  
Government Pleader(W.P(MD)No.1705/19)

For R1 to R3 :Mr.P.Thilakkumar  
Government Pleader(W.P(MD)No.2179/20)

For R4 in both  
W.Ps :M/s.J.Jeyakumaran

### **COMMON ORDER**

(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

The letter of Deputy Director, Sivagangai Panchayat Local Planning Authority to the Tahsildar, dated 31.08.2017 is under challenge in the writ proceedings.

2.The petitioner states that he served in the Indian Army and now settled in his village and doing agricultural activities. The land in S.No.292/1 is a



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Government land classified in the revenue records as “Sarkar manai Kaliyidam”

ie., Government poramboke Natham. The said land has been used collectively by all the villagers for common purpose. The fourth respondent has encroached upon the said property and constructed a marriage hall in the name and style of “Udaiyar Mahal”. The building plan has been permitted illegally granted by the Panchayat President and no action has been taken by the District Collector, who is the Inspector of Panchayat. Thus, the present writ petition came to be instituted.

3.The learned counsel appearing for the fourth respondent would submit that the subject property belongs to Soosaiyappar Temple. Therefore, the fourth respondent has been unnecessarily impleaded as a party in the present writ petition.

4.The learned Government Pleader would submit that the fourth respondent has instituted a civil suit in O.S.No.14 of 2018 and obtained an order of permanent injunction. Thus, the authorities have not initiated the action.

5.A perusal of the judgment passed in O.S.No.14 of 2018, it is an ex-parte decree passed wherein the respondent, the District Collector, Sivagangai, has not



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even filed a written statement, no action has been taken by the District Collector and the Tahsildar either to prefer an appeal suit against the such judgment or to file a petition to set aside the ex-parte decree and decide the issue on merits. Thus, the defendants in the suit as well as the Government Pleader who has not properly represented the Government case are responsible and accountable and the District Collector has to look into the matter and initiated appropriate action against all concerned.

6.Regarding the ex-parte decree of injunction, the same action contrary against the Statute, since it is not declaration of title of ownership and therefore, mere injunction would not prevent the competent authority under the special enactment to initiate action to remove the encroachment and to demolish the unauthorised building. Since it is an ex-parte decree of injunction, the same will not act against the said enactment, which confers the power of authority to remove the encroachers and to demolish the unauthorised construction.

7.As far as the Government Poramboke Natham Lands are concerned, the Government has bound to regulate the same in accordance with the Revenue Standing Orders 21. The Legal principles are settled by the Division Bench of this



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Court in the case of *The Tahsildar, Sankarapuram – vs- Mr.T.Elumalai*, reported

in **2025:MHC:1238**. The District Collector and the Tahsildar, Sivagangai, are bound to comply the legal principles settled in the case cited supra and resume to regulate the Grama Natham Land in terms of Revenue Standing Orders 21 and utilised the same for the public purpose of assigning the property for dwelling purpose to landless poor people. As per the procedure contemplated under the Revenue Standing Orders, commercial activities are impermissible in Natham land. In any event, the authorities are bound to act in accordance with law. The relevant Statutes are ensure that the encroachers are removed and unauthorised construction if any made in the Government Poramboke Natham lands are removed.

8.In view of the facts and circumstances, the respondents 1 to 3 are directed to verify the revenue records identify the Government Poramboke Natham lands and regulate the same in accordance with the Revenue Standing Orders 21. The encroachers and the unauthorised constructions are directed to be removed by following the procedures as contemplated under the relevant Statutes and Rules in force. The said exercise is directed to be completed within a period of 12 weeks from the date of receipt of a copy of this order.



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9.With above direction, these Writ Petitions stand disposed of. No costs.

Consequently, the connected miscellaneous petitions are also closed.

**(S.M.S., J.) & (A.D.M.C., J.)  
26.06.2025**

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To

1.The District Collector,  
Sivagangai District,  
Sivagangai.

2.The Deputy Director,  
Sivagangai Composite Local Planning Authority,  
Sivagangai Region,  
No.430, Gandhi Veethi,  
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