



**W.P(MD)No.12036 of 2025**

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

**WEB COPY**

**DATED: 28.04.2025**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN  
and  
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**W.P(MD)No.12036 of 2025**

**P.Palsamy**

**... Petitioner**

**Vs.**

- 1.The District Collector /  
Monitoring Committee,  
Virudhunagar District,  
Virudhunagar.
- 2.The Tahsildar,  
Taluk Office,  
Watrap Taluk,  
Virudhunagar District.
- 3.The Block Development Officer,  
Watrap Panchayat Union,  
Watrap,  
Virudhunagar District.
- 4.The Special Officer,  
Kunnoor Panchayat,  
Kunnoor,  
Watrap Taluk,  
Virudhunagar District.



5.S.Jeyaram



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... Respondents

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Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 herein to remove the encroachment made by the fifth respondent herein in the Government poromboke odai comprised in S.No.613 of Kunnoor Village, Watrap Taluk, Virudhunagar.

For Petitioner : Mr.M.Thirunavukkarasu

For Respondents : Mr.K.Balasubramani  
Special Government Pleader  
for R.1, R.2 & R.4

Mr.C.Satheesh  
Government Advocate for R.3

### **ORDER**

Heard the learned counsel appearing for the petitioner, the learned Special Government Pleader appearing for the respondents 1, 2 and 4 and the learned Government Advocate appearing for the third respondent. Considering the nature of relief to be granted, issuance of notice to the fifth respondent is dispensed with.

2.The petitioner alleges that there are encroachments in Survey No. 613, Kunnoor Village, Watrap Taluk.



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3.The learned Special Government Pleader confirms that the said survey number has been classified as “Odai”. It is seen that the fifth respondent had earlier filed W.P(MD)No.23286 of 2023. The Hon'ble Division Bench did not grant any relief to the fifth respondent in the said Writ Petition. Order dated 25.09.2023 passed by the Hon'ble Division Bench reads as follows:

*“4. The petitioner states that he is running a Chicken Shop, by name, Sundar Broiler Shop in S.F.No.613 of Kunnoor Village, Watrap Taluk, Virudhunagar District. Though, according to the petitioner, the extent of the shop is only 110 sq.ft., the photographs produced by him show that a temporary structure has also been put up by him in the subject land. It is the case of the petitioner that at the instance of one Palchamy, who claimed ownership earlier, the respondents are taking action to evict him from the place in dispute. However, the petitioner himself admits that he has occupied the Government poramboke land.*

*5. In such circumstances, this Court cannot grant any order, which is in the nature of injunction restraining the respondents from initiating any action to evict the petitioner from the Government property. Therefore, the respondents are directed to initiate action for removal of encroachment, if it is objectionable, following due process of law.”*



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4.The petitioner is therefore justified in contending that consequential steps for removing the encroachment should be taken. We direct the second respondent to take all possible steps to remove the encroachment committed by the fifth respondent. Of course, as directed by the Hon'ble Division Bench on the earlier occasion, due process of law must be followed. But that is not the end of the matter.

5.The learned Special Government Pleader points out that the petitioner has also committed encroachment on the said Odai. Copy of the proceedings dated 29.05.2024 issued by the Tahsildar, Watrap reads that the petitioner had committed encroachments to the tune of 51 sq.mts by putting up one Vijaya Mahal. The petitioner is said to have constructed a toilet, generator room and pillar cum portico in the water body. If the petitioner does not voluntarily remove the encroachments within a period of eight weeks from the date of receipt of a copy of this order, the second respondent is obliged to take action for removing the said encroachment. The authorities are directed to conduct a fresh survey in the presence of the petitioner as well as the fifth respondent before taking any coercive action. The entire exercise shall be completed within a period of four months from the date of receipt of a copy of this order.



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6. With the aforesaid directions, this Writ Petition is allowed. There

shall be no order as to costs.

**[G.R.S., J.] [B.P., J.]**  
**28.04.2025**

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

To

1. The District Collector /  
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**and**

**B.PUGALENDHI, J.**

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