



W.P(MD)No.11782 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.06.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**W.P(MD)No.11782 of 2025
and
W.M.P(MD)No.8695 of 2025**

V.Kottaisamy

... Petitioner

vs.

- 1.The District Collector,
Tenkasi Collector's Office,
Tenkasi – 627 811.
- 2.The Revenue Divisional Officer/Monitoring Committee,
Tenkasi – 627 811.
- 3.The Tahsildar,
Veerakeralam Pudur Taluk Office,
V.K.Pudur – 627 861, Tenkasi District.
- 4.The Block Development Officer,
Keelapavoor Panchayat Union Office,
Keelapavoor – 627 806.
- 5.The Inspector of Police,
Surandai Police Station,
Surandai – 627 859, Tenkasi District.



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6.The Panchayat President,
Idayarthavanai Village Panchayat,
V.K.Pudur Taluk – 627 859,
Tenkasi District.

7.Parvathi

8.Muthuraman

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 6 to remove the illegal encroachments made by the respondents 7 and 8 in the Panchayat pathway in S.No.1802/1, S.No.1431/8 and S.No.1431/11 of Surandai Paguthi II of V.K.Pudur Taluk, Tenkasi District and thereby make necessary steps to provide access to enable the public of the locality to reach the bus stop in S.No. 1804/1, Vellakkal Main Road situated in Surandai Paguthi II Village of V.K.Pudur Taluk, Tenkasi District based on the petitioner's reminder representation dated 16.04.2025.

For Petitioner	: Mr.B.Chakkaravarthi
For RR 1 to 4	: Mr.J.Ashok Additional Government Pleader
For R – 5	: Mr.T.Senthil Kumar Additional Public Prosecutor
For RR 7 & 8	: Mr.N.Vignesh



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ORDER

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

The Writ of Mandamus has been instituted to direct the respondents 1 to 6 to remove the encroachments made by the respondents 7 and 8 in the Panchayat pathway in S.No.1802/1, S.No.1431/8 and S.No.1431/11 of Surandai Paguthi II of V.K.Pudur Taluk, Tenkasi District and to make necessary steps to provide access for the public of the locality to reach the bus stop in S.No.1804/1, Vellakkal Main Road situated in Surandai Paguthi II Village of V.K.Pudur Taluk, Tenkasi District.

2.The learned counsel appearing for the petitioner would submit that the respondents 7 and 8 have encroached upon the “Pathai Poramboke” in S.No.1802/1 by putting up a poultry shed and also by planting saplings. Since no action was taken on the complaint filed by the petitioner, the present Writ Petition came to be instituted.



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3.In order to ascertain the facts, the Tahsildar, Veerakeralam Pudur was directed to file a counter-affidavit, who in turn in paragraphs 5 and 6 stated as follows:

“5.The lands in question are classified as detailed below of the Natham Settlement records of Surandai Paguthi II Village, V.K. Pudur Taluk and its details are as follows. The said lands are lying within the jurisdiction of Idayarthavanai Village Panchayat limits.

Sl. No.	Natham Survey No.	Extent (in Ares)	Classification	Remarks
1.	1431/1	0.01.05	Patta land (Patta No.740)	Writ petitioner is residing in his revenue
2.	1431/8	0.00.80	Nilatheervai	Used as public pathway on ground
3.	1802/1	0.00.70	Pathai	On ground it is used as public pathway
4.	1431/11	0.01.20	Theru	
5.	1802/7	0.00.35	Main Road	

6.It is respectfully submitted that the Village Administrative Officer, Surandai Paguthi II Village has reported that the 7th respondent has made encroachment in the “Pathai Poromboke” in S.No.1802/1 by putting up a poultry shed and also by planting saplings. Further the 8th respondent has encroached the pathway in S.No.1431/8 by erecting a cattle shed. It is also represented that the lamp posts were erected by the TNEB authorities in the said pathways situated in S.Nos.1802/7, 1802/1 and 1431/8 of the Surandai Paguthi II Village. Based on the reports of



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4.The learned Additional Government Pleader appearing for the respondents 1 to 4 also would submit that the Revenue Authorities have identified encroachments in the “Pathai Poramboke” and therefore, they are bound to initiate action by following the procedures as contemplated under the Tamil Nadu Land Encroachment Act, 1905.

5.In view of the said factum, the respondents 1 to 4 are directed to initiate enforcement action to remove the encroachments by following the procedure as contemplated under the Act and Rules and by affording due opportunity to the encroachers. The said exercise shall be completed within a period of twelve weeks (12) from the date of receipt of a copy of this order.



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6. Accordingly, this Writ Petition stands allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

[S.M.S.,J.] & [A.D.M.C.,J.]
16.06.2025

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