



W.P(MD)No.12643 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2025

CORAM:

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.P(MD)No.12643 of 2025
and
W.M.P(MD)No.9168 of 2025**

Selvam

... Petitioner

vs.

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Revenue Divisional Officer,
Aruppukottai,
Virudhunagar District.
- 3.The Tahsildar,
Kariapatti Taluk,
Virudhunagar District.
- 4.The Executive Officer,
Kariapatti Town Panchayat,
Virudhunagar District.
- 5.D.Kadhiyar

... Respondents



W.P(MD)No.12643 of 2025

WEB COPY

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the fourth respondent in his proceedings in Na.Ka.No.28/2024 dated 07.04.2025 and quash the same as illegal, arbitrary, violation of law and further direct the respondents 3 and 4 to survey the land in Survey Nos.68/15, 68/16, 68/17, Ward No.1, Pallivasal Street, Kariapatti Town & Taluk, Virudhunagar District.

For Petitioner : Mr.M.Jothi Basu

For RR 1 to 4 : Mr.J.Ashok
Additional Government Pleader

ORDER

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

The notice issued by the fourth respondent dated 07.04.2025 is under challenge in this Writ Petition.

2.The learned counsel appearing for the petitioner would submit that their great-grandmother, Subbammal, purchased 864 square feet of land in Kariapatti Village, Aruppukottai Taluk, Virudhunagar District on 31.05.1926, registered under Document No.801/1926 at the Aruppukottai Sub-Registrar



W.P(MD)No.12643 of 2025

WEB COPY

Office. The petitioner's grandfather, Gurusamy, was Subbammal's sole legal heir.

After Gurusamy's death, his sons Vettayan (the petitioner's father) and Muthukaruppan inherited the property. The petitioner subsequently obtained title through his father. During a land survey, the property was subdivided into Survey Nos. 68/15, 68/16, and 68/17. The petitioner resides in 68/16, while his co-brother Muthukaruppan resides in 68/17. Survey No. 68/15, currently used as a courtyard, is mistakenly classified as a public pathway in village records.

3. In the year 2000, the petitioner applied for a patta for Survey No. 68/15. After enquiry, the second respondent granted a patta for 11.6 square meters on 17.08.2000. Survey No. 68/15 was then subdivided as 68/81 and revenue records were updated. However, the fifth respondent filed a Writ Petition in W.P(MD)No.6673 of 2025 seeking removal of alleged encroachments over public passages. This Court, by order dated 20.03.2025, directed the official respondents to proceed with eviction after proper notice and hearing. Based on this, the fourth respondent issued a notice on 07.04.2025 to remove encroachments by 13.04.2025. Aggrieved by the same, the petitioner has filed the present writ petition.



W.P(MD)No.12643 of 2025

WEB COPY

4.Mr.J.Ashok, learned Additional Government Pleader, who takes notice for the respondents 1 to 4, would submit that the present impugned notice may be treated as show cause notice, for which, the petitioner may give his explanation and on receipt of the same, necessary orders would be passed.

5.In view of the above, the impugned eviction notice dated 07.04.2025 issued by the fourth respondent is treated as show cause notice and the petitioner is directed to submit his explanation / objection to the same, enclosing all the relevant materials to substantiate his claim within a period of four weeks from the date of receipt of a copy of this order. On receipt of such explanation / objection, the authority concerned is directed to consider the same and pass appropriate orders on merits and in accordance with law, after affording sufficient opportunity to all the parties concerned within a period of eight weeks thereafter. If there is any encroachment in the place in question, the same shall be removed by the authority concerned by following due process of law.



W.P(MD)No.12643 of 2025

WEB COPY

6. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

[J.N.B.,J.] & [S.S.Y.,J.]
28.04.2025

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

To

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The Revenue Divisional Officer,
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W.P(MD)No.12643 of 2025

J.NISHA BANU, J.
and
S.SRIMATHY, J.

ps

ORDER MADE IN
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DATED : 28.04.2025