



W.P(MD)No.13995 of 2025

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

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**DATED : 09.05.2025**

**CORAM:**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI  
AND  
THE HONOURABLE MR.JUSTICE R. SAKTHIVEL**

**W.P(MD)No.13995 of 2025  
and  
W.M.P.(MD) No.10149 of 2025**

R.Seenivasan

... Petitioner

Vs.

1.The District Collector,  
Virudhunagar District,  
Virudhunagar.

2.The Revenue Divisional Officer,  
Sattur,  
Virudhunagar District.

3.The Tahsildar,  
Sattur Taluk,  
Virudhunagar District.

4.Ramamurthi

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned order dated 24.04.2025 issued by the 3rd respondent by his proceedings in Na.Ka.A2/8032/2024, and quash



**W.P(MD)No.13995 of 2025**

the same.

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For Petitioner : Mr.V.Sasikumar  
For Respondents : Mr.A.Kannan  
Additional Government Pleader  
for RR1 to 3  
: Mr.M.Jothibasu – for R4

### **ORDER**

**[Order of the Court was made by M.DHANDAPANI, J.]**

This writ petition has been filed challenging the notice dated 24.04.2025 of the third respondent.

2. The learned counsel for the petitioner would submit that the petitioner's father Rengasamy Naicker purchased a property comprised in S.Nos.156 and 157/4 of Padanthal Village, Sattur Taluk, Virudhunagar District to an extent of 67 cents and 1.02 acres on 28.05.1949. He also purchased 66 cents and 1.02 cents in the said survey numbers on the same day. The property in S.No.156 was in possession and enjoyment of the petitioner's father till his death. During his lifetime, he executed a registered Will dated 29.06.1973 in favour of his wife viz., the



**W.P(MD)No.13995 of 2025**

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petitioner's mother Kadalthai. Thereafter, the petitioner's mother executed a registered settlement deed dated 20.08.2003 vide Document No.2523 of 2003 on the file of the Sub Registrar, Sattur in favour of the petitioner and his brothers Venkateshwaran and Sankarnarayanan. After execution of the settlement deed, the same was acted upon the petitioner and his two brothers. The third respondent also issued patta in favour of the petitioner and his brothers vide Patta No.1403. While so, the fourth respondent, who is a stranger to the petitioner's family, who has been residing in S.No.155, viz., on the western side of S.No.156, made a false claim of right of pathway on the north-western corner of the petitioner's property. Hence, the petitioner filed a suit in O.S.No.84 of 2024 on the file of the Subordinate Judge, Sattur to declare the property in S.No.156 of the aforesaid village exclusively belongs to the petitioner and his brothers and consequently for a perpetual injunction restraining the fourth respondent and seven others from anyway interfering into the peaceful possession and enjoyment of the petitioner and his brothers. The suit is pending. However, the third respondent to the shock and surprise of the petitioner issued notice on 20.01.2025 under Section 7 of the Tamil Nadu Land Encroachment Act as if the land in S.No.156/2 has



**W.P(MD)No.13995 of 2025**

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been classified as ryotwari punja poosthi pathai and called for explanation from the petitioner and his brothers. The petitioner and his brothers sent a detailed reply/objection to the third respondent on 28.01.2025. However, the third respondent once again issued another notice under Section 6 of the said Act to which also the petitioner sent a reply on 18.03.2025. Without considering the same, the impugned notice came to be issued. Therefore, the present writ petition.

3. The learned counsel for the petitioner would submit that the third respondent has jurisdiction only in respect of the revenue lands. In the present case, as per the 'A' register, the entire extent of land in S.No. 156 belongs to the petitioner and his brothers as per Patta No.1403 and in spite of the same, the third respondent without jurisdiction issued notice under Section 7. Accordingly, he prayed for quashing the same.

4. The learned counsel appearing for the fourth respondent would submit that along with the fourth respondent, 30 families are using S.No. 156 as poosthipathai and the same was maintained by the local panchayat in which the petitioner has no right to claim title over the same and



**W.P(MD)No.13995 of 2025**

already the petitioner filed civil suit and filing of the present writ petition is not sustainable one. However, this Court may grant liberty to the fourth respondent and others to approach the competent civil Court for appropriate remedy.

5. The learned Additional Government Pleader would submit that admittedly the land is classified as poosthipathai and if at all the petitioner has any grievance, he has to submit explanation to the notice. Thereafter, the third respondent will conduct enquiry and pass appropriate orders and without approaching the concerned authority, filing of the present writ petition is premature. Hence, he prays for dismissal of the writ petition.

6. Heard the learned counsel on either side.

7. The facts of the present case are not in dispute. Admittedly, the property in S.No.156 belongs to the petitioner and his brothers as per the 'A' Register. Adangal and other land Register are not statutory forms, which are individually maintained by the Revenue officials, which is not



**W.P(MD)No.13995 of 2025**

binding on the party. Further, the Revenue Department has no power to invoke the Land Encroachment Act in respect of a private patta property. Therefore, the notice issued under Section 7 is without jurisdiction and the same is liable to be set aside.

8. Accordingly, this Writ Petition is allowed and the impugned notice is set aside. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

**[M.D.I., J.]      [R.S.V., J.]**  
**09.05.2025**

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

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**W.P(MD)No.13995 of 2025**

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