



W.P(MD)No.14642 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.05.2025

CORAM:

**THE HONOURABLE MRS.JUSTICE S.SRIMATHY
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P(MD)No.14642 of 2025

Nadhiya

... Petitioner

vs.

1.The District Collector,
Tiruchirapalli.

2.The Assistant Commissioner, Zone – 1,
Tiruchirapalli city Municipal Corporation,
Tiruchirapalli.

3.The Tahsildar,
Srirangam Taluk,
Tiruchirapalli.

4.The Assistant Executive Engineer (O & M),
Tamil Nadu Electricity Board,
Srirangam,
Tiruchirapalli.

5.The Superintending Engineer,
Office of Superintending Engineer (Highways),
Trichy Circle.

6.B.Muthukumaran

... Respondents

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PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records in Na.Ka.No.F1/1632/2024 on the file of the second respondent and to quash the same as arbitrary and illegal.

For Petitioner	: Mr.S.Venkatesh
For RR 1, 3 & 5	: Mr.D.Gandhiraj Special Government Pleader
For R – 2	: Mr.KR.Kishoreram for M/s.R.B.Law Associates
For R – 4	: Mr.S.Deenadhayalan Standing Counsel

ORDER

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

The present Writ Petition has been filed for the issuance of a Writ of Certiorari, seeking to quash the impugned notice issued by the second respondent, dated 11.04.2025.



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2. According to the petitioner, her ancestors had built a residential house in T.S.Nos.2325A and 2325B in Ward C, Block No.43, and had been residing there since time immemorial. The said property is situated adjacent to the erstwhile Vellikilamai Salai, which fell into disuse following the construction of the railway overbridge and underground tunnel at Periyar Nagar, Tiruchirappalli. Admittedly, the property was classified as "poramboke" in the Government records and was in the occupation of her grandfather and others from time immemorial. Due to the prolonged occupation, the Government, in the year 2016, received applications from the petitioner and others for the grant of patta, as they fall under the category of landless poor and the land occupied by each is less than 3 cents, which entitles them to patta.

3. In the meanwhile, the sixth respondent filed a writ petition before this Court in W.P(MD)No.19162 of 2018, seeking a direction to the respondents therein to remove the encroachments on the public road in T.S.Nos.2325A and 2325B, Thimaraya Samuthram Village, Ward No.C, Block No.43, Srirangam, Tiruchirappalli Town. In that petition, the Division Bench of this Court, by an interim order dated 07.04.2025, directed respondents 2 to 6 to file affidavits and



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serve a copy thereof on the petitioner therein, explaining why the order dated 05.12.2022 was not complied with and why, despite the Court's observations on 26.02.2024, no action had been taken. Pursuant to the said interim order dated 07.04.2025, the second respondent passed the impugned order dated 11.04.2025. Challenging the same, the petitioner has filed the present Writ Petition.

4.The learned counsel appearing for the petitioner submitted that this Court, by order dated 05.12.2022, passed the following interim direction:

“In view of the conflicting statements made by both the parties, we direct respondents 2 and 6 to conduct a joint inspection of T.S.Nos.2325A and 2325B, Thimaraya Samuthram Village, Ward No.C, Block No.43, Srirangam, Tiruchirappalli Town and file a status report with regard to the classification of the aforesaid properties and in whose control the properties are coming under.”

5.Further, this Court, by order dated 07.04.2025, directed respondents 2 to 6 to file affidavits and serve a copy thereof on the petitioner therein, explaining the non-compliance with the previous order dated 05.12.2022 and the Court's observations dated 26.02.2024.



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6.The learned counsel appearing for the petitioner contended that in violation of the above directions, the second respondent passed the impugned order without issuing any notice to the petitioner and without conducting the joint inspection as directed by this Court.

7.Heard Mr.D.Gandhiraj, learned Special Government Pleader appearing for respondents 1, 3, and 5; Mr.K.R.Krishoreram, learned counsel appearing for the second respondent; and Mr.S.Deenadhayalan, learned standing counsel appearing for the fourth respondent. The materials placed before this Court were also perused.

8.On a perusal of the materials available on record, it is noted that the impugned order dated 11.04.2025 merely grants 15 days' time to remove the encroachment, without providing an opportunity of hearing to the petitioner. Moreover, the impugned order does not specify the extent of the alleged encroachment. Hence, the impugned order passed by the second respondent, dated 11.04.2025, is hereby set aside. The authority concerned is directed to conduct a proper survey in the presence of the petitioner, determine the extent of



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encroachment, and then issue a fresh show cause notice and then follow due process of law. The entire exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

9.In the meantime, the petitioner is directed to submit an application to the concerned authority seeking to grant Patta. The authority concerned shall consider the said application in accordance with G.O. Ms. No.480, Revenue and Disaster Management Department, dated 11.09.2020 and pass orders.

10. With the above observations, this Writ Petition is allowed. There shall be no order as to costs.

[S.S.Y.,J.] & [R.V.,J.]
21.05.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
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S.SRIMATHY, J.
and
R.VIJAYAKUMAR, J.

ps

ORDER MADE IN
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DATED : 21.05.2025