



W.P(MD)No.15595 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.06.2025

CORAM:

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

**W.P(MD)No.15595 of 2025
and
W.M.P(MD)No.11797 of 2025**

Renuka

... Petitioner

vs.

- 1.The District Collector,
Sivagangai District.
- 2.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.
- 3.The Tahsildar,
Thirupathur, Sivagangai District.
- 4.The Block Development Officer,
Thirupathur,
Sivagangai District.
- 5.Thirukoshtiyur Panchayat,
Through its President,
Thirukoshtiyur,
Sivagangai District.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings in Na.Ka.A3/2873/2019 dated 04.06.2025 issued by the third respondent in respect of lands in S.No.255/38, Thirukostiyur Village, Thirupathur Taluk, Sivagangai District and quash the same and consequently directing the second respondent herein to dispose the appeal filed by the petitioner vide in vide Na.Ka.No.A3/8471/2020 within the time stipulated by this Court.

For Petitioner : Mr.V.R.Shanmuganathan

For RR 1 to 4 : Mr.S.P.Maharajan
Special Government Pleader

ORDER

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

The writ on hand has been instituted challenging the order dated 04.06.2025 issued by the Tahsildar, Thirupathur, for removal of encroachment, is under challenge in the present Writ Petition.

2.The fact remains that the petitioner is in occupation of the land which has been identified as Government poramboke by the revenue authorities. The authorities conducted an enquiry with reference to the revenue documents.



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As per the revenue documents, the subject land is classified as “Government Poramboke”. The petitioner had obtained patta No.490, which was found to be wrongly issued. Therefore, the District Revenue Officer, Sivagangai, in its proceedings dated 28.02.2000, cancelled the patta. After cancellation of the patta, the said land was again assigned to the writ petitioner by the proceedings of the Tahsildar, dated 02.03.2012. However, the assignment was subsequently found to be contrary to law and was cancelled mainly on the ground that the subject land was classified as “Sarkar Poramboke Sandhu” (Government Poramboke Street). The free house site patta granted to the petitioner was also found to be improper and the said patta was also cancelled. In response, the petitioner filed W.P(MD)No.13440 of 2016. The Division Bench of this Court passed an order on 14.10.2019, which reads as follows:

5. For the above reasons, we dispose of this writ petition by directing the petitioner to treat the impugned notice as show cause notice and submit fresh objections along with documents within a period of three weeks from the date of receipt of a copy of this order. On receipt of the objections, the Tahsildar / third respondent shall conduct an enquiry, issue notice to the writ petitioner as well as the fourth respondent, depute one of his



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3.The notice issued during the relevant point of time was treated as a show cause notice and the petitioner was afforded an opportunity to submit explanations. Therefore, in regard to the subsequent proceedings, the petitioner cannot claim that the principles of natural justice has been violated. After receiving the explanation from the petitioner, the revenue authorities passed a final order on 14.10.2020. Against the said order, the petitioner preferred an appeal before the Revenue Divisional Officer, Sivagangai and the appeal appears to be pending. During the pendency of the said appeal before the Revenue Divisional Officer, once again the petitioner filed W.P(MD)No.30832 of 2023. Again this Court passed an order dated 21.12.2023, directing the revenue authorities to follow the procedures as contemplated under the Tamil Nadu Land Encroachment Act, 1905 and complete the removal proceedings, if any encroachments are identified.



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4.The learned counsel appearing for the petitioner would again submit that no notice was issued under the Tamil Nadu Land Encroachment Act, 1905. However, this is immaterial. Whether the present impugned notice has been issued under the Land Encroachment Act or any other applicable Act, the fact remains that the notice was issued in the year 2016 and the said notice was challenged by the petitioner in W.P(MD)No.13440 of 2016 and the Court directed that the notice be treated as show cause notice and once again, the petitioner was granted an opportunity to submit her explanation. The petitioner submitted an explanation and final order was passed rejecting the claim of the petitioner and thereafter, the petitioner preferred an appeal.

5.Under these circumstances, the grounds raised by the petitioner are only with an idea to escape from the clutches of eviction proceedings. The petitioner is attempting to squat upon the Government poramboke land only through litigious mode which cannot be appreciated by this Court. The petitioner states that a civil suit was also filed and the same was decreed. Under these circumstances, this Court cannot entertain the Writ Petition. The fact remains that



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sufficient opportunity was granted to the petitioner and on two occasions writ petitions were filed and this Court disposed of those matters. Thus, the same grounds cannot be once again raised with a motive to prolong and protract the legal proceedings so as to escape from the eviction proceedings. This being the factum, this Court is not inclined to entertain the Writ Petition.

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

[S.M.S.,J.] & [A.D.M.C.,J.]
06.06.2025

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



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S.M.SUBRAMANIAM, J.
and
DR.A.D.MARIA CLETE, J.

ps

ORDER MADE IN
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DATED : 06.06.2025