



W.P.(MD)No.18176 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.(MD)No.18176 of 2023
and
W.M.P.(MD)No.15160 of 2023

Mohammed Amanullah

... Petitioner

-VS-

1.The District Collector,
District Collector Office,
Velaunatchiyar Complex,
Dindigul.

2.The Thasildhar,
Thasildhar Office,
Dindidul East,
Dindigul.

3.The Block Development Officer,
Dindigul East,
Dindigul.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents refraining from forcibly taking the possession of the petitioner's building and premise in S.No.1899/1A1 and its Plots Nos.45 and 46 measuring to an extent of 4800 square feets, Burma Colony, Dindigul Town, without adhering the due process of law.



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For Petitioner : Mr.R.Ramadurai
For Respondents : Mrs.K.Malathi
Additional Government Pleader

ORDER

This Writ Petition is filed seeking a direction to the respondents to refrain from forcibly taking possession of the petitioner's building and premises in S.No. 1899/1A1, including Plot Nos.45 and 46, measuring an extent of 4,800 square feet, situated at Burma Colony, Dindigul Town, without adhering to due process of law.

2. The learned counsel for the petitioner submitted that the petitioner has constructed a building in the property situated in S.No.1899/1A1, comprising Plot Nos.45 and 46, measuring an extent of 4,800 sq.ft., at Burma Colony, Dindigul Town. He further submitted that the petitioner has constructed the building after obtaining a patta for the said property.

3. The learned Additional Government Pleader appearing for the



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respondents submitted that the subject property in S.No.1899/1A1, Plot Nos. 45 and 46, situated at Burma Colony, Dindigul Town, is classified as "Kullanampatti Kulam" as per the revenue records, and therefore, action is proposed to be taken against the petitioner for eviction.

4. Considering the submissions made by the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents, it is seen that as per the records of the respondents, the subject property is classified as "Kullanampatti Kulam". However, the petitioner claims to have obtained a patta for the said property. If the land was classified as "Kullanampatti Kulam" at the time of issuance of the patta, this Court is unable to comprehend as to how such patta was granted.

5. So long as the patta stands in the name of the petitioner, the petitioner cannot be treated as an encroacher and can be evicted only by following due process of law. Once the patta is cancelled in accordance with law, the petitioner may be treated as an encroacher and appropriate action may be taken for removal.

6. Accordingly, this Writ Petition stands disposed of. No costs.



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Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No

18.12.2025

Index : Yes / No

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KRISHNAN RAMASAMY, J.

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