



W.P.(MD)Nos.21273 & 21274 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)Nos.21273 & 21274 of 2025

and

W.M.P.(MD)Nos.16439 to 16441 of 2025

W.P.(MD)No.21273 of 2025

Gokulakrishnan

... Petitioner

-VS-

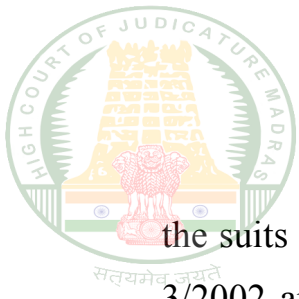
**1.The District Collector,
Thanjavur District,
Thanjavur.**

**2.The District Revenue Officer,
Thanjavur.**

**3.The Assistant Divisional Engineer,
Southern Railway, Thanjavur.**

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of impugned notice issued by the 3rd respondent in No.E/4/SMM, dated 24.07.2025 and quash the same as illegal, arbitrary and unenforceable in view of the competent civil courts decrees passed in



W.P.(MD)Nos.21273 & 21274 of 2025

the suits instituted by the petitioner and his father against the railways in O.S.No. 3/2002 and 4/2002 on the file of District Munsif-cum-Judicial Magistrate Court, Papanasam, dated 05.01.2005 and 05.07.2008 respectively.

W.P.(MD) No.21274 of 2025

K.Ponnusamy

... Petitioner

-Vs-

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The District Revenue Officer,
Thanjavur.

3.The Assistant Divisional Engineer,
Southern Railway, Thanjavur.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the 2nd respondent in Na.Ka. 14896/2022/H1 dated 16.11.2023 and the consequential notice issued by the 3rd respondent in No.E/4/SMM dated 24.07.2025 and quash the same as illegal, arbitrary and unenforceable.

For Petitioner : Mr.V.K.Vijayaragavan,
for Mr.R.Saravana Prabhu

For R1 & R2 : Mr.S.P.Maharajan,
Special Government Pleader
(in both W.Ps.)



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W.P.(MD)Nos.21273 & 21274 of 2025

COMMON ORDER

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

The petitioners were identified as encroachers of railway property. They have put up construction by encroaching the railway land. Subsequently, they have approached the District Revenue Officer, Thanjavur / 2nd respondent, seeking assignment of the land by recovering market value. The railway authorities also have not entertained their claim themselves or before the 2nd respondent. Enquiry was conducted by the 2nd respondent by affording opportunity to all the parties. The railway authorities have defended their case before the 2nd respondent by stating that the subject land was taken possession by the railways more than 1 ½ century by land acquisition proceedings. Hence, the act of the petitioners is in violation of the law.

2.The petitioners have wrongly stated that the railways have relinquished their right in the year 1876, but they have illegally encroached upon the railway land. The encroachers are not evicted from the railway premises due to pending disputes one way or other and more specifically, the petitioners continued to be in possession through litigations.



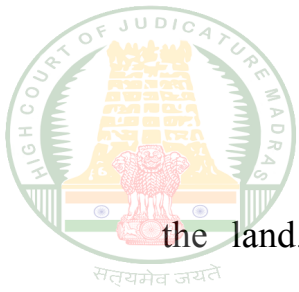
W.P.(MD)Nos.21273 & 21274 of 2025

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3.The 2nd respondent has rejected the applications, seeking assignment of the subject land vide proceedings dated 16.11.2023. Consequently, the southern railway issued eviction notice vide proceedings dated 27.09.2024. The said eviction notice came to be challenged by the writ petitioners along with other petitioners in W.P.(MD)Nos.4283 of 2025 etc., batch. This Court considered the issues and rejected the Writ Petitions vide order dated 11.06.2025 on the ground that it is not maintainable.

4.The learned counsel appearing for the petitioners would contend that this Court has made observation that the petitioners are at liberty to approach the civil Court to establish their right. Now, suits have been instituted and therefore, the authorities competent cannot evict the petitioners.

5.Such a stand taken by the petitioners deserves no merit for consideration, since the authorities competent had long before identified the land belongs to the railway. The petitioners also had taken efforts to secure assignment of the land from the railway initially and thereafter, by approaching the 2nd respondent, they have expressly stated that they are willing to pay market value of



W.P.(MD)Nos.21273 & 21274 of 2025

the land. That being the admitted statement of the petitioners before 2nd respondent, now, they cannot turn around and say that they have instituted civil suits and therefore, eviction cannot be undertaken.

6. Consequent to the judgment of the Division Bench of this Court dated 11.06.2025 in the aforementioned batch of Writ Petitions, wherein the petitioners are also parties, once again vide proceedings dated 24.07.2025, the southern railway issued notice, which is under challenge in these Writ Petitions.

7. The litigious continuance of the encroacher at no circumstances be encouraged by the High Courts. Public properties / railway properties are to be protected for the benefit of the people at large. The land values are sky-rocketing and in current scenario, it is scared. Therefore, the railway authorities are bound to protect their land in a vigilant manner and utilize the land for public purposes and for development of railway projects.

8. In the present case, so long the petitioners have continued based on the litigations and their applications before the railway authorities and the 2nd respondent were rejected. Challenge of eviction notice before this Court was also



W.P.(MD)Nos.21273 & 21274 of 2025

dismissed. Under these circumstances, the present impugned notice, which is consequent to the order of this Court, is not maintainable and therefore, there is no impediment for the railway authorities to evict all the encroachers as per the time line already fixed by them.

9. With the above observations, these Writ Petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S., J.) & (A.D.M.C., J.)
04.08.2025

NCC : Yes / No
Index : Yes / No

Yuva

To

1. The District Collector,
Thanjavur District,
Thanjavur.
2. The District Revenue Officer,
Thanjavur.



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W.P.(MD)Nos.21273 & 21274 of 2025

S.M.SUBRAMANIAM, J.

AND

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W.P.(MD)Nos.21273 & 21274 of 2025

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