



W.P(MD)No.21855 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.08.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

**W.P(MD)No.21855 of 2025
and
W.M.P(MD)No.16972 of 2025**

Ayyavoo

... Petitioner

vs.

- 1.The District Collector,
District Collector Office,
Madurai District.
- 2.The Tahsildar,
Taluk Office,
Vadipatti,
Madurai District.
- 3.The Village Administrative Officer,
Kulasekarankottai,
Vadipatti Taluk,
Madurai District.



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4.The Executive Officer,
Vadipatti Town Panchayat,
Vadipatti,
Madurai District.

... Respondents

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 pertaining to the order passed by the first respondent vide in Na.Ka.No.3210077/2025/J3 dated 23.06.2025 and quash the same as unlawful and unsustainable consequently directing the first respondent to survey the entire land of the petitioner in Survey No.364/2 to the extent of 1-1/2 cents and provide the pathway to the petitioner's house.

For Petitioner : Mr.K.Prabakaran

For Respondents : Mr.J.Ashok
Additional Government Pleader

ORDER

(Order of the Court was made by G.ARUL MURUGAN, J.)

The Writ Petition is filed challenging the impugned order of the first respondent, dated 23.06.2025.



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2.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

3.The impugned order came to be passed, confirming an order issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 (hereinafter referred to as 'the Act, 1905').

4.The petitioner contended that he is having right in respect of 1-1/2 cents in Survey No.364/72 and that it is a patta land belonging to him.

5.Admittedly, a notice under Section 7 of the Act, 1905 was issued, calling for a reply / response from the petitioner. In response, the petitioner contended that he had been issued patta in respect of the land in question and therefore, claimed ownership. Pursuant to the notice issued under Section 7 of the Act, 1905, a notice under Section 6 of the Act, 1905 was issued. Challenging the notice issued under Section 6 of the Act, 1905, the petitioner preferred an appeal before the first respondent under Section 10 of the Act, 1905.

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6.The appeal was considered by the first respondent/District Collector, Madurai. In the appeal, the report filed by the Tahsildar was taken into account and the rival contentions made by the petitioner and the revenue authorities were also considered by the Appellate Authority.

7.The Appellate Authority found that the original extent of land in Survey No.364 was 9 acres 16 cents, classified as Government Sarkar Theervai. After survey and settlement, the land was sub-divided into various sub-divisions. The petitioner was issued patta only in respect of land in Survey No.364/2 whereas the land in Survey No.364/72 measuring an extent of 0.15.0 ares, was handed over to the Fire Services Department and the revenue records were mutated in the name of the Fire Services Department. Now, the petitioner claims right and ownership over the land comprised in Survey No.364/72, which has been granted to the Fire Services Department.

8.When the fact remains that the petitioner holds patta only in respect of Survey No.364/2, his contention and claim over the land that has



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already been handed over to the Fire Service Department cannot be accepted.

9.Finding so, the Appellate Authority has rightly rejected the claim of the petitioner by the impugned order, dated 23.06.2025 and confirmed the order issued under Section 6 of the Act, 1905. Therefore, there is no infirmity in the order passed by the first respondent.

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

[S.M.S.,J.] & [G.A.M.,J.]
12.08.2025

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



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S.M.SUBRAMANIAM, J.
and
G.ARUL MURUGAN, J.

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ORDER MADE IN
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DATED : 12.08.2025

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