



W.P(MD)No.21674 of 2025 and etc., batch

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.08.2025

CORAM:

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

**W.P(MD)Nos.21674, 21675, 21676, 21677 & 21681 of 2025
and
W.M.P(MD)Nos.16787, 16788, 16796, 16800 & 16801 of 2025**

1.W.P(MD)No.21674 of 2025:

Gandhi @ Sivaganam

... Petitioner

vs.

1.The District Collector,
Thanjavur District,
Thanjavur.

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

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

... Respondents



W.P(MD)No.21674 of 2025 and etc., batch

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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, to call for the records pertaining the impugned order of 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, consequently direct the second respondent not to evict the petitioner pending disposal of O.S.No.79 of 2025 before the District Munsif Court, Papanasam, Thanjavur District.

For Petitioner : Ms.S.Prabha

For Respondents : Mr.V.Om Prakash
Government Advocate

2.W.P(MD)No.21675 of 2025:

K.Venugopal

... Petitioner

vs.

1.The District Collector,
Thanjavur District, Thanjavur.

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

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

... Respondents



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For Petitioner : Ms.S.Prabha

For Respondents : Mr.V.Om Prakash
Government Advocate

3.W.P(MD)No.21676 of 2025:

Ramamoorthy

... Petitioner

vs.

1.The District Collector,
Thanjavur District,
Thanjavur.

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



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

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining the impugned order of 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, consequently direct the second respondent not to evict the petitioner pending disposal of O.S.No.79 of 2025 before the District Munsif Court, Papanasam, Thanjavur District.

4.W.P(MD)No.21677 of 2025:

Vishwanathan

... Petitioner

vs.

1.The District Collector,
Thanjavur District, Thanjavur.

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

3.The Assistant Divisional Engineer,
Southern Railway,
Thanjavur,
Thanjavur 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, to call for the records pertaining the impugned order of 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, consequently direct the second respondent not to evict the petitioner pending disposal of O.S.No.79 of 2025 before the District Munsif Court, Papanasam, Thanjavur District.

For Petitioner : Ms.S.Prabha

For Respondents : Mr.V.Om Prakash
Government Advocate

5.W.P(MD)No.21681 of 2025:

Srinivasan

... Petitioner

vs.

1.The District Collector,
Thanjavur District,
Thanjavur.

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

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

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining the impugned order of 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, consequently direct the second respondent not to evict the petitioner pending disposal of O.S.No.85 of 2025 before the District Munsif Court, Papanasam, Thanjavur District.

For Petitioner : Ms.S.Prabha

For Respondents : Mr.V.Om Prakash
Government Advocate

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.

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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 continue to be in possession through litigations.



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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 consideration, since the authorities competent had long before identified the land belongs to the railway. The petitioners also had taken efforts to secure



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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 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, land is scarce. Therefore, the railway



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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, the petitioners have continued based on the litigations and their applications before the railway authorities were rejected. Challenge made against eviction notices before this Court were also dismissed. Under these circumstances, the present impugned notices, which is consequent to the order of this Court, are 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.]
07.08.2025

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

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To

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

ps

ORDER MADE IN
W.P(MD)Nos.21674, 21675, 21676,
21677 & 21681 of 2025

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