



W.P.(MD).No.27303 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 08.07.2025

CORAM

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

W.P.(MD).No.27303 of 2019  
and  
W.M.P.(MD).No.23578 of 2019

M.K.Haja Najumudeen

... Petitioner

Vs.

1.The State of Tamil Nadu,  
Represented by the District Collector,  
Sivagangai,  
O/o.the Collectorate,  
Sivagangai.

2.The Manager,  
R.C.Mission Church,  
Puliyal, Devakottai Taluk,  
Sivagangai District – 630 312.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, to direct the respondents to remove the encroachments made in Survey Nos.270/3 and 287/1 of Puliyal Village, Thidakottai Group, Devakottai Taluk, Sivagangai District within the period that may be stipulated by this Court.



WEB COPY



W.P.(MD).No.27303 of 2019

For Petitioner : Mrs.H.Jasima Yasmin Begam  
for M/s.Ajmal Associates  
For R-1 : Mr.P.Thilak Kumar  
Government Pleader  
For R-2 : Mr.R.S.Savarimuthu  
for M/s.Father Xavier Associates

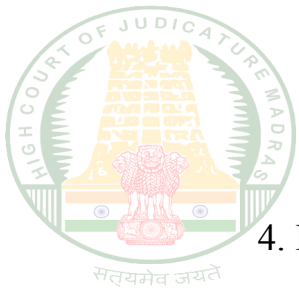
### **ORDER**

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

The Writ of Mandamus has been instituted to direct the respondents to remove the encroachments made in Survey Nos.270/3 and 287/1 of Puliyal Village, Thidakottai Group, Devakottai Taluk, Sivagangai District.

2. The learned Government Pleader appearing for the first respondent submitted the copy of the instructions given by the Executive Officer along with the revenue documents to show that the subject land is a patta land and therefore, the second respondent in this Writ Petition cannot be construed as an encroacher.

3. The learned counsel for the second respondent would also submit that the second respondent is having valid document to establish title.



W.P.(MD).No.27303 of 2019

4. However, the learned counsel for the petitioner would submit that patta has been obtained contrary to the decision taken by the Settlement Officer and therefore, the second respondent is to be construed as an encroacher.

5. Disputed facts relating to civil rights cannot be adjudicated in a writ proceedings. If at all patta has been granted erroneously, the aggrieved person has to prefer an appeal before the Revenue Divisional Officer for adjudication of facts under the provisions of Tamil Nadu Patta Passbook Act, 1983.

6. Granting liberty to the petitioner to approach the Appellate Authority, the present 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.)  
08.07.2025

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

To  
The District Collector,  
The State of Tamil Nadu,  
Sivagangai, O/o.the Collectorate,  
Sivagangai.



WEB COPY



*W.P.(MD).No.27303 of 2019*

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

Lm

W.P.(MD).No.27303 of 2019

08.07.2025