



W.P.(MD)No.25183 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2025

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

WP(MD) No. 25183 of 2025

Kumaresan

...Petitioner

Vs

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Revenue Divisional Officer
O/o.The Revenue Divisional Officer,
Pattukkottai, Thanjavur District.

3.The Tahsildar
O/o.The Tahsildar,
Pattukottai,
Thanjavur District.

4.Manikandan

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents No.1 to 3 to evict the encroachment made by the 4th respondent in No.303/1G situated in Madhukur Village, Pattukottai Taluk, Thanjavur District based on the petitioner's representation dated 22.08.2025.



W.P.(MD)No.25183 of 2025

For Petitioner : Mr.S.Sankar
For Respondents : Mr.S.P.Maharajan (R1 to R3)
Special Government Pleader
Mr.M.Beema Rao
Advocate Commissioner

ORDER

(Order of the Court was made by **DR.ANITA SUMANTH, J.**)

The prayer of the petitioner is for a mandamus directing R1 to R3 to remove the encroachment allegedly made by R4 in Survey No. 303/1G, Madhukur Village, Pattukottai Taluk, Thanjavur District (subject property).

2.Series of orders have been passed in this case, which would show the trajectory of the hearings, which are extracted herein.

“15.09.2025:

Mr.S.P.Maharajan, learned Special Government Pleader, accepts notice for R1 to R3.

2.Notice through Court as well as privately to R4 returnable 07.10.2025. Proof of service be placed on file.

3.The prayer is for a Mandamus directing the official respondents to remove the encroachment made by R4 in Survey No.303/1G, Madhukur Village, Pattukottai Taluk, Thanjavur District.

4.Based on the petitioner's representation, the authorities are in the process of conducting a survey. Mr.S.P.Maharajan informs us that the survey is scheduled to be held on 18.09.2025. Let the survey be conducted in the presence of both the petitioner and private respondents.

5.Hence, list on 07.10.2025 to receive report.”



W.P.(MD)No.25183 of 2025

24.10.2025:

2. Status report is filed by the Tashildar, Pattukottai, wherein he categorically states at para 5 as follows:

“5. It is submitted that, The Revenue Officials had conducted the survey, on 19-09-2025 with the help of revenue Records, and the surveyor had submitted the survey report through Revenue Inspector on the same day of the survey. Further the Revenue Inspector, madhkur Zone had forwarded the detail report vide the proceedings in U.Mu.174/2025 dated 19-09-2025 with all reports with regard to the Survey No.303/1G,304/14,304/1 situated at Madhukur Village to the Authorities and survey out Come reveals that, there is no encroachment in the Nilayial Salai and the details are Mentioned below:-

Village	S.No.	Classification of the land	Total extent	Extent of encroachment	Nature of the Encroachment
Madhukur Village	303/1G	Nilaviyal Thar SALAI	0.02.5 ares	No Encroachment	No Encroachment

It is submitted that the above survey was conducted by following the due process of law and by following the principles of the Natural Justice. Therefore I prayed this Hon'ble court may be pleased to accept this status report in W.P(MD) No. 25183 of 2025, pending on the file of this Hon'ble court.”

3. Perusal of the above will show that the authorities confirm that there is no encroachment in Survey No.303/1G, Madhukur Village, Pattukottai District. However, the learned counsel for the petitioner would insist that there is an encroachment and would also request for the appointment of an Advocate Commissioner, who would be neutral.

4. Hence, Mr.Beema Rao, learned counsel [Enrl. No. 3086/2016, No.182, Law Chambers, High Court Buildings, Madurai-23] is appointed as Advocate Commissioner.

5. The learned Advocate Commissioner shall attend the office of the Tahsildar at Pattukottai at 11.00 a.m., on 27.10.2025 accompanied by a copy of this order. The Tahsildar / his Deputy shall accompany the learned Advocate Commissioner and assist him in identifying the land, inspecting necessary records in relation to the land in question and to determine whether there are any encroachments thereupon. A report shall be filed by the learned Advocate Commissioner within a week thereafter.

6. Copy of the report shall be served in advance on the learned counsel for the petitioner as well as Mr.Maharajan, learned Additional Government Pleader.

7. Expenses borne by the learned Advocate Commissioner shall be reimbursed by the petitioner. The initial fee payable to the



W.P.(MD)No.25183 of 2025

learned Advocate Commissioner is fixed at a sum of Rs.30,000/- (Rupees Thirty Thousand only).

8.List on 04.11.2025 to receive a report.”

14.11.2025:

“Read this order in continuation of and in conjunction with order dated 24.10.2025, under which we had appointed an Advocate Commissioner.

2.The Commissioner has inspected the premises and has filed report dated 30.10.2025 confirming that the conduct of inspection was after notice to the petitioner. The findings of the Advocate Commissioner are as follows:

“4. It is submitted that the Revenue officials had conducted the survey on 27.10.2025 with the help of Revenue records on before myself as per the report with regard to the survey No.303/1G, 304/14 and 304/1 situated at Mathukoor Village to survey outcome reveals that, there is no encroachment in in Nilaviyal Vandi Pathi in Survey No.303/1G (Nilaviyal Vandi Pathi) with an extent of 2.5 Ares. As per my inspection confirm that there is no encroachment in Nilaviyal Vandi Pathai. The petitioner and 4th Respondent living at opposite houses.”

3.In light of the above report, there does not appear to be any merit in the allegations of the petitioner. However, to give him an opportunity to respond to the report of the Commissioner, we list this matter, though under the caption 'for dismissal' as he does not appear when the matter is called.

4.List on 19.11.2025.”

3.The report of the Advocate Commissioner dated 30.10.2025

is illuminating and paragraphs 4 to 6 are extracted below:

“4.It is submitted that the Revenue officials had conducted the survey on 27.10.2025 with the help of Revenue records on before myself as per the report with regard to the survey No.303/1G, 304/14 and 304/1 situated at Mathukoor Village to survey outcome reveals that, there is no encroachment in in Nilaviyal Vandi Pathi in Survey No. 303/1G (Nilaviyal Vandi Pathi) with an extent of 2.5 Ares. As per my inspection confirm that there is no encroachment in Nilaviyal Vandi Pathai. The petitioner and 4th Respondent living at opposite houses.

5. It is submitted that the petitioner and 4th Respondent



W.P.(MD)No.25183 of 2025

purchased same vendor. The 4th Respondent purchased the property in the year 2005 in SF No.303/1G with an extent of 1 cents.

6. I have enclosed inspections photographs its reveals true fact of the dispute. ..”

4.In light of the above, we see no justification to interfere as the report of the learned Advocate Commissioner is categoric to the effect that there is no encroachment in the subject property. Recording the same, this writ petition is dismissed. No costs.

[A.S.M., J.] [C.K., J.]
19.11.2025

Index :Yes/No
Internet :Yes
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To

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Thanjavur District,
Thanjavur.

2. The Revenue Divisional Officer
O/o.The Revenue Divisional Officer,
Pattukkottai,
Thanjavur District.

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