



Cont.P.(MD)No.2797 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:06.08.2025

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Cont.P.(MD)No.2797 of 2024

in

W.A.(MD)No.19576 of 2024

Muthukumar

... Petitioner/
Petitioner

Vs.

Thiru.P.Kannan
The Tahsildar,
Office of the Tahsildar,
Thiruvengadam Taluk,
Tenkasi District.

... Contemnor/
Respondent-3

PRAYER : Contempt Petition is filed under Section 11 of the Contempt of Courts Act, to punish the respondent-3 / contemnor for wilful disobedience of the order dated 23.08.2024 passed in W.P.(MD)No. 19576 of 2024.



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For Petitioner : Mr.Y.Prakash

For Respondent : Mr.B.Ramanathan
Additional Government Pleader

ORDER

(Order of the Court was made by A.D.JAGADISH CHANDIRA, J.)

Alleging wilful disobedience of the order passed by this Court in W.P.(MD)No.19576 of 2024 dated 23.08.2024, this Contempt Petition has been filed.

2. The petitioner herein has filed a writ petition in W.P.(MD)No. 19576 of 2024 seeking a direction to the respondents 1 to 5 to remove the illegal encroachments made by the respondents 7 to 14 in Survey Nos.198/7 and 202/4, Sathirappatti Village, Thiruvengadam Taluk, Tenkasi District, in accordance with the proceedings in Na.Ka. TGMTLK/656/2023-B1, dated 10.04.2023, issued by the third respondent in accordance with law within a time frame. This Court by an order dated 23.08.2024 while disposing the writ petition had permitted the petitioner to make a representation before the Tahsildar,



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Thiruvengadam Taluk, Tenkasi District regarding the other encroachments also and that if such communication is received, the Tahsildar, Thiruvengadam Taluk, Tenkasi District, was directed to take into account the said communication also and take appropriate action, if encroachments are found. Since the order of this Court has not been complied with, the present Contempt Petition came to be filed.

3. The respondent has filed a status report, in which it has been stated that in due compliance of the order passed by this Court in W.P. (MD)No.19576 of 2024, the respondent has issued notice to the encroachers. While so, 14th respondent in W.P.(MD)No.19576 of 2024 had filed a writ petition in W.P.(MD)No.24407 of 2024 and this Court finding that the land, which is said to be encroached, is Natham vide order dated 21.10.2024 set aside the notice of eviction dated 01.10.2024 issued under Section 6 of the Tamilnadu Land Encroachment Act, 1905 and the relevant passages are extracted hereunder;

“2.The learned Additional Government Pleader would contend that the land in Survey No.202/4 is classified as Sarkar Poramboke and in the remarks column, it shows as common well and vacant place.



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Therefore, according to the learned Additional Government Pleader, the land in question is a poramboke land and hence, the authorities are well within their rights to invoke the provisions of the Land Encroachment Act to remove the encroachment. The A-Register of the village has been produced. It shows that the entire Survey No.52 is classified as Grama Natham. The said Survey No.52 has been assigned new survey numbers as S.Nos. 196 to 206 and the note made in the A-Register shows that even those survey numbers have also been shown as Natham only. Admittedly, the petitioner is using the said land as his backyard and has put up a cattle shed there. Under Section 2 of the Tamilnadu Land Encroachment Act, all lands which are public lands, vest in the Government except that those that are owned as house sites or backyard. The original A-Register of the village shows that the land is classified as Natham. However, the adangal extract issued during the Natham settlement scheme shows that the land has been classified as Government Poramboke. It is settled law that Natham land cannot be classified as poramboke or classification of the Natham cannot be converted. This Court, in the long line of decisions held that the land which is used as house site or backyard does not vest in the Government. On the above view, the Government has been barred in



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taking proceedings under the Tamilnadu Land Encroachment Act, 1905 to remove encroachment in the lands classified as Natham. Perusal of A-Register shows that the land has been classified as Natham and it is also seen that the petitioner is in occupation of the same as his backyard and put up a cattle shed. Hence, we find that the proceedings under the land encroachment of the land are ill-conceived and they are liable to be interfered with.

3. Accordingly, this writ petition stands allowed and the notice of eviction dated 01.10.2024 issued under section 6 of the Land Encroachment Act, 1905, stands set aside. No Costs. Consequently, connected miscellaneous petition is closed.”

4. Upon the said order of this Court, the respondent is not in a position to proceed further. However, the learned Additional Government Pleader appearing for the respondent would submit that the order of this Court passed in W.P.(MD)No.19576 of 2024 has been duly complied with.

5. The status report filed by the respondent and the submission



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made by the learned Additional Government Pleader are taken on record.

We find that the order of this Court dated 23.08.2024 has been complied with. Thereby, this Contempt Petition stands closed.

[A.D.J.C., J.]

[L.V.G., J.]

06.08.2025

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

To

1. The Tahsildar,
Office of the Tahsildar,
Thiruvengadam Taluk,
Tenkasi District.



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A.D.JAGADISH CHANDIRA, J.
and
L.VICTORIA GOWRI, J.

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Order made in
Cont.P.(MD)No.2797 of 2024
in
W.A.(MD)No.19576 of 2024

Dated: 06.08.2025