



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.27559 of 2025
and
WMP(MD)No.21449 of 2025

M.Arumugam

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Collectorate,
Virudhunagar District.

2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Sattur,
Virudhunagar District.

3.The Tahsildar,
Rajapalayam Taluk Office,
Rajapalayam Taluk,
Virudhunagar District.

4.The Executive Officer,
O/.the Sethu Town Panchayat,
Sethur Post,
Rajapalayam Taluk,
Virudhunagar 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 connected with the impugned notice vide Na.Ka.No.363/2022 dated 25.09.2025 on the file of respondent No.4 and quash the same and consequently direct the respondents to take appropriate action to issue Patta No.253, 2nd Ward, Pannai Kinatru Street, Sethur Village, Rajapalayam Taluk, Virudhunagar District in the name of the petitioner.

For Petitioner : Mr.R.Venkatesan

For R1 to R3 : Mr.R.Suresh Kumar
Additional Government Pleader

ORDER

The notice dated 25.09.2025, issued by the Executive Officer/4th respondent, is under challenge in this writ petition.

2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. The grievance of the petitioner is that the fourth respondent, Executive Officer of Sethur Town Panchayat issued an Eviction Notice



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dated 25.09.2025 alleging encroachment in Survey No.395/23A and the said notice was issued pursuant to the orders of this Court in W.P(MD)No. 24689/2022 filed by the petitioner's brother against a third party in which the petitioner is not a party. However, without proper survey or verification and without affording any opportunity, the petitioner's residence was mechanically included in the list of encroachments. Hence, this petition.

4. The learned Additional Government Pleader for the respondents submitted that the petitioner encroached the public property in survey No. 395/23A and the petitioner is not the owner of the property situated in the said survey number and he is the adjacent land owner. The said land is classified as Sarkar Poramboke Pathai in which the petitioner built a small dwelling house to the extent of 46.5 sq.mtr and for the removal of the same, the impugned notice was issued. Hence, the said notice need not be interfered.



WEB COPY 5. Considering the facts and circumstances of the case, this Court is of the considered view that since the petitioner is not the owner of the said property in Survey No.393/23A, and he is only the adjacent land owner, the petitioner is not entitled to seek such prayer and the respondents are at liberty to remove the encroachment in the public property. Hence, the prayer sought for in this petition is not sustainable one. Accordingly, this Writ Petition is dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

03.10.2025

NCC : Yes / No
Internet : Yes
PJJ

To
1.The District Collector,
Office of the District Collector,
Collectorate,
Virudhunagar District.

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2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Sattur,
Virudhunagar District.

3.The Tahsildar,
Rajapalayam Taluk Office,
Rajapalayam Taluk,
Virudhunagar District.

4.The Executive Officer,
O/.the Sethu Town Panchayat,
Sethur Post,
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M.DHANDAPANI,J.

PJL

**ORDER MADE IN
W.P(MD)No.27559 of 2025**

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