



W.P.(MD)No.34409 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2025

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MS.JUSTICE R. POORNIMA**

W.P.(MD)No.34409 of 2025
and
W.M.P(MD)No.27221 of 2025

Rammaheswari

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District, Virudhunagar.

2.The Tahsildar,
Rajapalayam Taluk, Virudhunagar District.

3.The Executive Officer,
Chettiyarpatti Town Panchayat,
Virudhunagar District.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the 2nd respondent from demolishing the petitioner's property located in Survey No.438/24, Chettiyarpatti Village, Rajapalayam Taluk, Virudhunagar District without following the due process of law.



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For Petitioner : Mr.R.Arun Kumar
For Respondents : Mr.D.Sadiq Raja (R1 & R2)
Additional Government Pleader
: Mr.S.P.Maharajan (R3)
Special Government Pleader

ORDER

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

The writ of Mandamus is sought to forbear the second respondent being the Tahsildar, Rajapalayam Taluk, Virudhunagar District, from demolishing the property in Survey No.438/24, Chettiyarpatti Village, Rajapalayam Taluk, Virudhunagar District ('property'/'property in question'/'subject property') without following due process of law.

2.Mr.D.Sadiq Raja, learned Additional Government Pleader, who appears for R1 and R2 and Mr.S.P.Maharajan, learned Special Government Pleader, who appears for R3, are armed with necessary instructions to enable us to dispose this Writ Petition even at the stage of admission.



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3.Hence, by consent, this order is passed disposing the Writ Petition even at the stage of admission.

4.Mr.Sadiq, learned Additional Government Pleader, would draw attention to the fact that the prayer is misconceived, as a notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 (in short 'Act') has been issued, to which petitioner has also given objections. Hence, there is no question of issuing a Mandamus forbearing R2 from discharging his statutory duty in accordance with law.

5.We agree.

6.The main prayer of the petitioner appears to be that he wants a resurvey of the subject property to be conducted. On instructions, learned Additional Government Pleader would draw attention to a survey conducted on 13.06.2025 and submits that the petitioner was also present in the premises on that date. There ends the matter.

7.For any further grievance, the petitioner is at liberty to place his submissions before the authority for consideration in accordance with law, in the course of the proceedings to follow.



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8.In light of this discussion, Mandamus as sought for cannot be issued in the Writ Petition. This Writ Petition is dismissed directing the authorities to take matter forward in accordance with law and in accordance with the principles of natural justice. Let the proceedings be completed within an outer time limit of eight weeks from today. A copy of the survey report be supplied to the petitioner during the course of the proceedings. No costs. Consequently, connected Miscellaneous Petition is closed.

[A.S.M.J.] & [R.P.J.,]
27.11.2025

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

To

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Tahsildar,
Rajapalayam Taluk,
Virudhunagar District.

3.The Executive Officer,

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Chettiyarpatti Town Panchayat,
Virudhunagar District.



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R. POORNIMA, J.

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