



W.P.No.13422 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

W.P.No.13422 of 2026

and

W.M.P.No.14641 of 2026

K.Manmathan
S/o.Kandasamy Gounder

... Petitioner

VS.

The Tahsildar
Mohanur Taluk
Namakkal District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorari, to call for the entire records pertaining to the impugned order dated 19.02.2026 passed by the respondent under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 and quash the same as it is issued without jurisdiction and violation of natural justice.

For Petitioner	:	Mr.R.Vivek for Mr.Senthil .S
For Respondent	:	Mr.T.Arun Kumar Additional Government Pleader

Page Nos.1/5



W.P.No.13422 of 2026

ORDER

[Made by **S.M.SUBRAMANIAM, J.,**]

The present writ petition has been instituted challenging the final notice issued under Section 6 of “the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)” {hereinafter “1905 Act” for the sake of brevity}.

2. Mr.V.Vivek, learned counsel appearing on behalf of the petitioner would submit that a temple is situated on the subject property and therefore, the land belongs to the temple and thus, the Tahsildar has no jurisdiction to invoke the provisions of 1905 Act.

3. The learned Additional Government Pleader would oppose by stating that even on Government Poromboke lands, Temples are situated and as far as those lands are concerned, the Temples are also constructed on the encroached property and the fact regarding the construction of temples is mentioned only in the remarks column. This fact would not confer any right on the petitioner to claim ownership, nor



W.P.No.13422 of 2026

the revenue authorities have taken the land away. Since the land is classified as Government Poromboke, the Tahsildar is empowered to invoke the provisions of the 1905 Act.

4. Be that as it may, such disputed facts may be raised by the petitioner by preferring an appeal under Section 10 of 1905 Act before the District Collector. The District Collector shall verify the revenue records, afford an opportunity to the temple administration and take a final decision in respect of the rights claimed between the parties.

5. When the statutory appeal contemplates an enquiry to be conducted by the District Collector, it is unnecessary for the High Court to resolve the disputed facts, which are to be undertaken based on the documents and evidence available on record. Therefore, the petitioner is at liberty to submit his explanation along with documents, by preferring an appeal under Section 10 of 1905 Act before the District Collector.

6. The District Collector shall issue notice to all concerned parties, including the temple administration, conduct enquiry and thereafter, pass appropriate orders on merits and in accordance with law.

Page Nos.3/5



W.P.No.13422 of 2026

7. With the above observations, the Writ Petition stands dismissed.

Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

(S.M.S.,J.) (K.S.,J.)
08.04.2026

Index : Yes

Neutral Citation : Yes / No

Speaking order / Non-speaking order

mk

To

The Tahsildar
Mohanur Taluk
Namakkal District.



WEB COPY



W.P.No.13422 of 2026

**S. M. SUBRAMANIAM, J.,
and
K. SURENDER, J.,**

mk

W.P.No.13422 of 2026

08.04.2026

Page Nos.5/5