



WEB COPY



Rev.Aplw.No.99 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

Rev.Aplw.No.99 of 2026

and

W.M.P.No.24219 of 2026

K.Rajendran
S/o.Late T.Kovilpillai

... Applicant

vs.

1. The District Collector cum Administrative Officer
Collector Office, Tiruppur.
2. The Chairman
Dharapuram Town Municipality
Tiruppur district.
3. The Chairman
Church of South India
Trichy – Thanjao – Thirumangalam – Dharapuram
CSI Compound, Dharapuram
Tiruppur District.
4. Aruldas
S/o.Rajamanickam
5. The Church of South India
Trust Association, Tiruchirappalli – Thanjavur Diocese

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Rep. By its Diocesan Treasurer
Thiru Lt (Co)S.IS.Immanuvel (Retd.)
Puthur, Thiruchirapallai – 620 017.

6. Rev.A.Suresh Kumar
Trust Association
Tiruchirappalli – Thanjavur Diocese ... Respondents

Review Application filed under Order 47 Rule 1 read with Section 114 of CPC, praying to review the order dated 05.03.2024 in W.P.No.15503 of 2016.

For Applicant : Mr.C.Deivasigamani
For Respondents : Dr.R.Gowri
Government Counsel, for R1
Mr.P.Srinivas, for R2
Mr.K.V.Muthuvisakan, for R4
R3, R5 and R6 - No representation

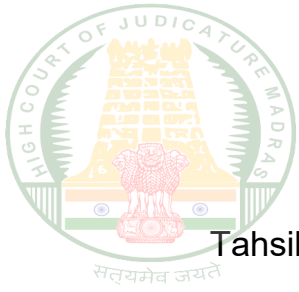
ORDER

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

The present review application has been instituted by the writ petitioner, seeking review of the order of this Court dated 05.03.2024 passed in W.P.No.15503 of 2016.

2. The learned counsel for the petitioner would mainly contend that this Court had directed the District Collector to hold an enquiry through the

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Tahsildar concerned and take appropriate action for removal of encroachment by persons who have put up unauthorized constructions, if it is found that the individuals who had put up construction, are not eligible for assignment and further direction was issued to the respondents therein to regularize the encroachment, as far as possible, in cases where people who are in possession and put up construction, are eligible for assignment in accordance with the Rules or the Revenue Standing Orders applicable for assignment of lands for SC/ST people or to people who belong to economically weaker sections or marginalized communities.

3. This portion of the order dated 05.03.2024 is an error apparent, since it directly contravenes the provisions of the Tamil Nadu Land Encroachment Act, 1905, the Tamil Nadu Urban Local Bodies Act, and other special Enactments for eviction of encroachers in respect of the public properties, water bodies etc.,

4. This Court has examined the said direction to ascertain whether it constitutes an error apparent warranting exercise of review jurisdiction.



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5. The assignment of the Government land free of cost must be made strictly in accordance with Revenue Standing Order 21. Under Revenue Standing Orders, assignment of Government lands can be made only to homeless poor persons who are eligible for such assignment. The extent of assignment is to be determined strictly in accordance with Revenue Standing Orders. In respect of the construction of residential houses, a maximum extent of 3 cents alone is to be assigned to a landless poor in order to protect his / her livelihood.

6. It is not as if an assignment can be granted to an encroacher, as such a decision can be taken by the Government only by way of policy. The Government, on some occasions, has identified encroachers and if those lands encroached upon by landless poor persons are not needed for public purposes, then free assignment pattas may be granted in order to protect their livelihood to the extent permissible under the Revenue Standing Orders. However, such an administrative decision can be taken only by the Government. The High Court, in exercise of its powers of judicial review, cannot issue directions to assign Government lands to encroachers free of cost. Such an exercise by the High Court would fall



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beyond the realm of powers of judicial review.

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7. The learned counsel for the review applicant would submit that large extents of Government lands have been encroached upon by certain individuals and that certain religious institutions have also been constructed. As far as the religious institutions are concerned, permission of the District Collector is mandatory under the relevant Statute. No religious institutions can be constructed in a residential locality without the permission of the District Collector under law. That apart, regularization of encroachments or assignment of such lands cannot be ordered by the High Court.

8. The eligibility criteria for assignment is to be ascertained by the revenue authorities by verifying the records of eligible persons. Such procedures are contemplated under the Revenue Standing Orders for the grant of assignment of Government lands free of cost. Therefore, the direction issued by this Court to regularize encroachments, in cases, where people are in possession and have put up construction, runs contra to the basic principles of law in the matter of removal of encroachments in respect of the public properties and this Court has no hesitation in forming



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an opinion that the said direction constitutes an error apparent warranting the exercise of powers of judicial review. Therefore, this Court is inclined to review the order dated 05.03.2024 passed in W.P.No.15503 of 2016 by substituting the following directions:

(i) The official respondents are directed to identify the encroachments and remove the same.

(ii) If any policy decision is taken by the Government for the grant of assignment of Government lands free of cost to landless or homeless persons, the same shall be considered independently under any one of the Welfare schemes and in respect of the Government lands already earmarked for such assignment.

(iii) Insofar as encroachments of public lands are concerned, the encroachers shall be evicted by following the procedures as contemplated under the relevant Statute, after affording an opportunity of hearing to such encroachers.

(iv) The said exercise is to be done by the official respondents in order to protect public properties and utilize the same for public related schemes and for the benefit of the public.



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WEB COPY 9. In view of the directions as stated above, the Review Application stands allowed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

(S.M.S.,J.) (N.S.,J.)
09.06.2026

Index : Yes
Neutral Citation : Yes / No
Speaking order

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**S. M. SUBRAMANIAM, J.,
and
N.SENTHILKUMAR, J.,**

mk

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and

W.M.P.No.39514 of 2024

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