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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-10-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE R.RAJESH VIVEKANANTHAN

WP No. 43614 of 2026

CNR:{HCMA012526162026}

Jayakodi
80/126, Trichy Main Road,
Seelanaickenpatty,
Salem - 636 201.

..Petitioner(s)

Vs

1. The Principal Secretary to Government
   Revenue and Disaster Management
   Department, Secretariate, Chennai - 600 009.

2. The District Collector
   Salem District, Salem.

3. The Tahsildar
   Salem South Taluk,
   Maniyanoor, Salem South Taluk,
   Salem District.

4. The Zonal Deputy Tahsildar
   Salem South Taluk,
   Maniyanoor, Salem South Taluk,
   Salem District.

5. The Revenue Inspector
   Kondalampatty Firka, Salem South Taluk,
   Salem District.

..Respondent(s)

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Prayer : Writ Petition under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to issue a direction or order or writ in the nature of Writ of Certiorarified Mandamus, calling for the records of the 1st respondent relating to the impugned order in G.O.(MS) No.26, Revenue and Disaster Management Department, dated 08.01.2026, quash the same as illegal and arbitrary, and consequently direct the respondents to regularize the petitioners possession in S.No. 81/1 of Amani Kondalampatty Village, Salem South Taluk.

For Petitioner(s): Mr.K.A.Vimalkumar

For Respondent(s): Mr.K.Surender
Special Government Pleader for RR 1 to 5

Order

(Order of the Court was made by S.M.Subramaniam J.)

The Government Order issued in G.O.Ms.No.26, Revenue and Disaster Management Department dated 08.01.2026 issued under Section 10A(1)(c) of the Tamil Nadu Land Encroachment Act, 1905 (hereinafter referred to as 'the Act') is under challenge in the present writ proceedings.

2. The competent authorities during the course of inspection found encroachments in Government land classified as "Paarai (rock)". Thus, enforcement actions are initiated under the Land Encroachment Act. Show

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cause notice came to be issued under Section 7 and after affording opportunity to the encroachers, final notice under Section 6 came to be issued. Appeal filed under Section 10 before the District Collector was dismissed and challenging the same, revision petition was filed before the Government under Section 10A(1)(c) of the Act. The Government issued notice to the parties, conducted a detailed enquiry by calling for the revenue documents and passed a speaking order with findings that the subject land has been classified as Government Poramboke Paarai (rock) and accordingly confirmed the removal of encroachments as ordered by the original authority and the appellate authority / District Collector.

3. The power of judicial review of the High Court is to enquire into the processes through which the decision has been taken by the authorities and not the decision itself. In the present case, the procedures as contemplated under the Land Encroachment Act have been followed and sufficient opportunities were afforded to the encroachers.

4. It is not in dispute between the parties that the encroachments had already been removed by the authorities. Now, the Government has taken a decision that the Government property classified as “Paarai”. That being the factum, there is no scope to interfere with the order passed by the

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Government impugned in the present writ petition. However, if the evicted encroachers submit an application on the ground that they are homeless poor persons, then the application, if any filed by them, may be considered for allotment of alternate land or site to protect their livelihood under anyone of the welfare schemes of the Government. However, this Court does not find any infirmity in respect of the eviction already done pursuant to the orders of the Government issued in G.O.Ms.No.26 dated 08.01.2026 which is impugned in the present writ petition.

5. In view of the above discussion, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.,J.) (R.R.V.,J.)
30-10-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

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   Revenue and Disaster Management
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2. The District Collector
   Salem District,
   Salem.

3. The Tahsildar
   Salem South Taluk,
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S.M.SUBRAMANIAM J.
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