



*W.P(md)Nos.6132, 12735 of 2024,
23536 of 2025 and 4974 of 2026*

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated:24.02.2026

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

AND

THE HONOURABLE MR.JUSTICE **K.K.RAMAKRISHNAN**

**W.P(md)Nos.6132, 12735 of 2024, 23536 of 2025 and 4974 of 2026
and
W.M.P(MD)Nos.5760,5784,4174 to 4176 of 2026**

WP(MD)No.6132 of 2024

1.Veeraiya .M

[Petitioner]

Vs

1.The Government of Tamil Nadu
Represented Through its Secretary, Revenue
and Disaster Management Department,
Chennai 600 009

2.The District Collector
Sivagangai,
Sivagangai District.

3.The Tahsildar
Thirupathur Taluk,
Sivagangai District.

4.Vijayan .M

[Respondents]



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned G.O.(Ms).No.490 dated 20.09.2023 in so far as para 7 (i) quash the same.

For Petitioner :Mr.B.Sekar

For Respondents

1 to 3 :Mr.P.Thilakkumar, Government Pleader

For R4 :Mr.P.Haja Mohideen

WP(MD)No.12735 of 2024

1.M.Veeraiya

[Petitioner]

Vs

1.The Government of Tamilnadu
Represented Through its Principal Secretary,
Revenue and Disaster Management Department,
Chennai 600 009

2.The District Collector
Sivagangai,
Sivagangai District.

3.The Tahsildar
Thirupathur Taluk,
Sivagangai District.

4.Vijayan .M

5.Gandhi

6.Meenal.A

[Respondents]

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus, directing the 2nd



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respondents to removal of the encroachment of the 4th to 6th respondents based on the petitioner representation dated 21.12.2023 in Survey No. 17/1 Karenthalpatti Village, Madhavarayanpatti Group, Thirupathur Taluk Sivagangai District, within the time stipulated by this Honble Court.

For Petitioner :Mr.B.Sekar
For R1 to R3 :Mr.P.ThilakKumar,GP.,
For R4 to R6 :Mr.A.Haja Mohideen

WP(MD)No. 23536 of 2025

1.Mahalakshmi

[Petitioner]

Vs

- 1.The District Collector,
Sivagangai District,
Sivagangai.
2. Meenal
- 3.The Block Development Office
R, Thirupathur,
Sivagangai District.
- 4.The Revenue Divisional Offic
Er,, Revenue Divisional Office, Devakottai
Taluk, Sivagangai District.
- 5.The Tahsildar,
Taluk Office, Thiruppathur Taluk,
Sivagangai District.
- 6.The Revenue Inspector,
Revenue Inspector Office,
Thiruppathur Taluk,
Sivagangai District.



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7.The Village Administrative
Officer,, Madhavarayanpatti Village,
Sivagangai District.

8.The Executive Officer,
Madhavarayanpatti Village,
Thiruppathur Taluk,
Sivagangai District.

9.Vijayan

10.Senthilkumar

[Respondents]

Prayer:Writ Petition filed under Article 226 of the Constitution of India praying this court to issue a WRIT OF MANDAMUS, directing the 1st to 7th respondents to remove the encroachment made in common pathway in Revenue Group Survey No.17/1 in Madhavarayanpatti Revenue Village Thiruppathur Taluk, Sivagangai District, on the basis of the representation dated 14.08.2025 within a stipulated time as may be fixed by this Court.

For Petitioner :Mr.A.Purantharadhasar

For R1 to R7 :Mr.P.Tilakkumar, Govt., Pleader

For R8 to R10 :Mr.A.Haja Mohideen

WP(MD)No.4974 of 2026

1.M.Vijayan

2.K.Senthil

3.R.Meena

[Petitioners]

Vs

1.The Government of Tamil Nadu
Represented Through its Principal Secretary,
Revenue and Disaster Management Department,



*W.P(md)Nos.6132, 12735 of 2024,
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Chennai 600 009.

2.The District Collector
Office of the District Collector,
Sivagangai District Sivagangai

3.The Tahsildar
Thirupathur Tahsildar Office,
Thirupathur Taluk,
Sivagangai District.

4.Veeraiya [Respondents]

Prayer:Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of CERTIORARIFIED MANDAMUS, to call for the records of the 3rd respondents Impugned Communications in Na.Ka.A5/1419/2021 dated-02.2026 and quash the same as devoid of merits consequently directing the respondents No.2 and 3 not to disturb the Petitioners possession and enjoyment in Survey No.17/1 for the respective extent in their possession in Karenthelpatti Village Thirukalapatti Panchayat Mathavarayanpatti Group, Thirupathur Taluk, Sivagangai District, till the disposal of rehear petitions dated 30.08.2023 for the revision petitions dated 04.04.2022 made under Section 10-A(1)(C) of the Tamilnadu Land Encroachment Act, 1905 on the file of the 1st respondent, within the period stipulated by this Court.

For Petitioners	: Mr.C.Deepak
For R1toR3	: Mr.P.Thilakkumar, Govt., Pleader
For R4	: Mr.B.Sekar



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COMMON ORDER

(Order of the Court was delivered by DR.G.JAYACHANDRAN,J.)

S.No.171/1 in Karenthelpatti Village, Thirukalapatti Panchayat, Mathavarayanpatti Group, Thirupathur Taluk, Sivagangai District, is the property under contention, alleging that as per the Revenue records, it is a common pathway being encroached by the private individuals. This writ petition is being filed by one Mahalakshmi before this Court. The said writ petition in W.P(MD)No.23536 of 2025 seeks for mandamus to consider the representation for removal of encroachment within the time specified.

2.One Veeraiya has filed W.P(MD)No.6132 of 2024 challenging the G.O.Ms.No.490 dated 20.09.2023, wherein the Revenue Department had considered the earlier order passed by this Court in W.P(MD)No.2990 and 3223 of 2023 dated 16.02.2023, regarding the removal of encroachment and the revision petition filed by one Vijayan was considered, wherein the Government has taken note of the communication between the Tahsildar and the District Collector for considering the request of the petitioners for grant of patta in respect of their land in occupation in the light of G.O.Ms.No.318, dated 20.08.2019 and rejected the said request. This was subject matter under challenge by one Veeraiya in the above said writ petition in W.P(MD)No.



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6132 of 2024. In the meanwhile, the said Veeraiya has also filed W.P(MD)No.12735 of 2024 seeking for mandamus directing the second respondent to remove the encroachment alleged to have been made by the respondents viz., Vijayan, Govind and Meenal in S.No.171/1 Karethelpatti Village, Thirukalapatti Panchayat, Mathavarayanpatti Group, Thirupathur Taluk, Sivagangai District. All the three writ petitions have been tagged together, since the parties are one and the same.

3.In the first writ petition in W.P(MD)No.6132 of 2024 filed by Veeraiya seeking certiorarified to quash G.O.Ms.No.490 dated 20.09.2024. The writ petitioner is Veeraiya and Vijayan is the fourth respondent. In the second writ petition in W.P(MD)No.12735 of 24, again Veeraiya is the petitioner, Vijayan, Gandhi and Meenal are the respondents 4, 5 and 6 respectively. The prayer in this writ petition is a mandamus to consider the representation dated 21.12.2023 for removal of encroachment by the private respondents in S.No.171/1. Third writ petition is filed by one Mahalakshmi in W.P(MD)No.23536 of 2025 seeking for mandamus to remove the encroachment of common pathway identified as S.No.171/1.



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4. The learned Additional Government Pleader would submit that pursuant to the earlier round of writ proceedings, the land in S.No.171/1 which is classified as Government Poramboke and described in the remarks column as quarry found to be encroached by the private respondents and pursuant to the directions issued by the High Court for removal of encroachment, action is being taken and in the course of taking action, a request from Vijayan was received for grant of patta, however, on consideration of the nature of the land, the same was rejected. Therefore, challenge to this G.O., is on the ground that the petitioner has put up a residential building in the said area and hence, he should not be disturbed. However, having found that the encroachment is in the non-permissible area, the Government has decided to reject the revision petition and thereafter to rehear the revision application, was given on 21.12.2023, which according to the Government is not maintainable and therefore, no order has been passed. Meanwhile, the Government, taking note of the encroachment, had already removed all the other encroachment, except the dwelling unit, in which, Vijayan and Senthil, who are the writ petitioners 1 and 2 in W.P(MD)Nos. 4974 of 26, are in occupation.



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5.The learned counsel appearing for the petitioner/Veeraiya in W.P(MD)No.6132 of 2024 would submit that in gross violation, public land been encroached by the private persons and the Government has not removed the entire encroachment, but has allowed some of them to still occupy the same.

6.We find from the argument of the learned Additional Government Pleader as well as the learned counsel appearing for Veeraiya that the dwelling portions of Vijayan and Senthil, who are the writ petitioners 1 & 2 in W.P(MD)No.4974 of 2026, is far from removed. In view of the pending rehearing petition and also in view of the certain observations made by the Government in G.O.Ms.Nos.490, 302 and 303 and on considering the prayers sought in all the writ petitions, we are able to understand that the sum and substance of the cases is that the land identified as Government Poramboke quarry is in occupation by the private individuals. Two of them has constructed dwelling unit and residing in that unit. Pursuant to the directions issued in the writ petitions, the Government has recovered the land from the encroachers, except the area upon which two of them had put up their dwelling unit. The contention of the learned counsel appearing for Veeraiya is that the encroachment to be removed in entirety, two persons



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viz, Vijayan and Senthil have enough property elsewhere and they are not entitled patta for the land upon which they have encroached and put up dwelling unit either under BSO or under G.O.Ms.No.490, whereas the learned counsel appearing for Vijayan and Senthil, who are the writ petitioners in W.P(MD)No.4974 of 2026 would submit that they are not possessing any dwelling unit elsewhere and they are entitled for patta and if their petition for rehearing dated 30.08.2023 is taken up for consideration, he is ready to participate in the enquiry and place necessary records.

7.Taking note of the fact that, except two dwelling units, rest of the portion had already been recovered and rehearing petition in respect of the two dwelling units is pending, we dispose of these writ petitions with the following directions:

(i)The application for grant of patta in the rehearing petition to be strictly decided in accordance with law after giving due opportunity to the parties including the petitioner in W.P(MD)Nos.6132 of 2024 and 23536 of 2025.

(ii)The request for issuance of patta to be considered only after the applicant satisfied all the mandatory requirements for grant of free patta under the scheme.



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(iv)Rehearing petition which is pending before the Government shall be decided preferably, within a period of four months from the date of receipt of a copy of this order.

8.With the above directions, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[G.J., J.] & [K.K.R.K., J.]
24.02.2026

Index :Yes/No
Internet :Yes
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To

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Represented Through its Principal Secretary,
Revenue and Disaster Management Department,
Chennai 600 009

2.The District Collector
Sivagangai,
Sivagangai District.

3.The Tahsildar
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