

W.P.(MD)No.6642 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.06.2026**

CORAM:

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

W.P.(MD)No.6642 of 2026

and

C.M.P.(MD)No.5486 of 2025

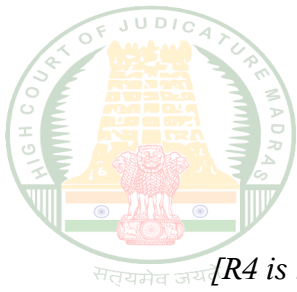
- 1.Vellaichamy
- 2.Vijayarajan
- 3.Ilayaraja
- 4.Thangaiya
- 5.Selvam

... Petitioners

Vs.

- 1.The District Collector,
Madurai District, Madurai.
- 2.The Tahsildar,
Melur Taluk,
Madurai District.
- 3.The Revenue Inspector,
Karungalakkudi Firka,
Melur Taluk,
Madurai District.
- 4.The Managing Director,
State of Industries Promotion Corporation of
Tamil Nadu Limited (SIPCOT),
(A Government of Tamil Nadu Undertaking),
having registered office at
19-A, Rukmani Lakshmipathy Road,
Egmore, Chennai-600 008.

...Respondents



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[R4 is impleaded vide order dated 02.06.2026]

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PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings in Na.Ka.No 749/2023/Aa4 dated 16.02.2026 issued by the 2nd respondent and quash the same as illegal and consequently, forbear the respondents 2 and 3, their men, agents or subordinates from in any manner interfering with the peaceful possession and enjoyment of the petitioners over the lands comprised in Survey No.178, Kallangadu Village, Vanchinagaram Post, Melur Taluk, Madurai District.

For Petitioner : Mr.Pon Karthikeyan
For Respondent : Mr.P.V.Balasubramanian
Additional Advocate General
assisted by Mr.M.Gangatharan (R4)
Mr.B.Saravanan (R1 to R3)
Senior Counsel
for Mr.M.P.Senthil
Counsel for the State of Tamil Nadu

ORDER

(Order of the Court was made by **N.SATHISH KUMAR, J.**)

Challenge has been made to the order of second respondent directing the petitioners to vacate the subject properties within the stipulated time, failure to which action would be taken under the Land Encroachment Act.



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2. According to the writ petitioners, they are the members of the Society, namely 'Kallangadu Nila Kudiyetra Sangam' and the petitioners are the members of that Society. Originally the subject lands were assigned to the said Society. From the date of assignment, the petitioners, being the members of the said Society, were in possession of the subject property. Hence, they are not encroachers. However, without going into the factual aspects of the matter, the second respondent passed the order of eviction. Aggrieved by the same, the petitioner has filed the present writ petition.

3. The learned Additional Advocate General appearing on behalf of the fourth respondent submits that the subject lands were identified for industrial development and subsequently, vide G.O.Ms.No. 162, Revenue and Disaster Management Department, dated 01.04.2025, the said lands were transferred in favour of SIPCOT. Thereafter, SIPCOT has started to put up the construction for industrial purpose. While so, the petitioners claiming right over the subject property have filed this writ petition. Hence, he seeks to dismiss this writ petition.



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4.We have heard the learned counsel appearing on either side and perused the materials placed on record.

5.The subject property in dispute measures almost about 146 acres. Admittedly, the property in dispute has been transferred to SIPCOT by G.O.Ms.No.162, Revenue and Disaster Management Department, dated 01.04.2025, and the extent covered under the said Government Order is more than 278 acres, which includes the disputed 146 acres for the purpose of establishing a non-leather wear manufacturing unit.

6.The stand of the writ petitioner is that since the property in dispute had been allotted to the Society, namely 'Kallangadu Nila Kudiyetra Sangam' and they being the members of the Society, they were in possession of the subject property and they could not have been treated as encroacher. However, to buttress their submission that the petitioners are the members of the so called Society, absolutely there is no evidence whatsoever has been filed.

7.Though it is admitted by the State that the land was originally allotted to the Society, as early as on 19.08.1961, it is submitted that the



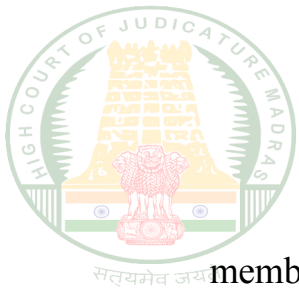
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society, which was registered under the Societies Registration Act, was subsequently wound up through proceedings numbered by proceedings No.4097, dated 26.12.1978. Later the Government had taken control of the said properties, which was assigned to the Society.

8.Once the Society registered under the Societies Registration Act is wound up, the society lost its legal existence. As a result, the lands allotted to the society reverted to and vested in the Government. Accordingly, the petitioners cannot claim any right, title, or interest in the land on the basis that they were members of the erstwhile society.

9.It is further to be noted that on 06.08.2005, the petitioners submitted a representation seeking issuance of patta. In that representation, the petitioners did not claim to be members of the society that had allegedly been allotted the land in the year 1961. The representation dated 06.08.2005 sent by the petitioners clearly indicates that they claimed patta only on the basis of their occupation. It is not the case of the petitioners, at any point of time, that they were the members of the so called society. Therefore, the said representation clearly indicates that the contention now raised to the effect that they are the



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members of the Society and they are entitled to claim right over the property in question in view of the fact that there were some allotments in favour of Society in the year 1961, is not legally sustainable .

10.Even if the petitioners are assumed to have been members of the society, that alone would not entitle them to claim ownership of the land. Upon the dissolution of the society, the extensive land measuring about 146 acres could not have devolved upon individual members the Society, which became dysfunctional. Further, the occupation of the land by the petitioners and others does not establish lawful possession pursuant to any government assignment. As already said, there is no piece of paper whatsoever showing that the petitioners are the members of the so called Society, to which the subject property was allotted in the year 1961.

11.For the reasons stated above, we do not find any merits in this writ petition accordingly, this writ petition is **dismissed**.

12.Taking note of the fact that the petitioners are residing in the subject property for a long period, we hold that the Government may



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consider any assignment of land for the purpose of construction of the dwelling house alone in different area. The said alternative assignment of land should be expedited. It is made clear that the petitioner shall not cause any hindrance to the ongoing work by the SIPCOT. Consequently connected miscellaneous petition is closed. There shall be no order as to costs.

[N.S.K., J.] & [M.J.R., J.]
03.06.2026

Index :Yes/No
Internet :Yes
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