



W.P.(MD)No.7167 of 2026

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2026

CORAM:

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

W.P.(MD)No.7167 of 2026

V.Vijayaraghavan

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Tahsildar,
Tahsildar Office,
Sivakasi Taluk,
Virudhunagar District.

3.P.Pandiyarajan

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to remove the encroachments made by the 3rd respondent in Survey No.1258/11, to the extent of 0.00.54.0 Square meter, situated at Muthalamman Koil Street, Erichanatham Village, Sivakasi Taluk, Virudhunagar District, in the light of the order in W.P.(MD)No.12492 of 2021 dated 20.12.2024, on the file of this Court.



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For Petitioner : Ms.S.Mahalakshmi
For Respondents : Mr.J.Ashok (R1 & R2)
Additional Government Pleader
Mr.G.Mohankumar (R3)

ORDER

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

This writ petition is filed seeking a direction to the respondents 1 and 2 to remove the encroachments made by the third respondent in Survey No.1258/11, to the extent of 0.00.54.0 Square meter, situated at Muthalamman Koil Street, Erichanatham Village, Sivakasi Taluk, Virudhunagar District, in the light of the order in W.P.(MD)No.12492 of 2021 dated 20.12.2024, on the file of this Court.

2.According to the petitioner, the private respondent filed a suit for declaration claiming right over the subject property, which is classified as public vacant land earmarked as public pathway, in O.S.No. 80 of 2017 on the file of the Sub Court, Virudhunagar. The suit has been dismissed holding that the petitioner is not entitled for any such relief. However, the encroachment made by the private respondent in the public property has not been removed. The petitioner has made representations



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in this regard. Since no action has been initiated, the petitioner has filed the present writ petition.

3.The learned counsel for the third respondent submits that as against the decree and judgment passed in O.S.No.80 of 2017 before the Sub Court, Virudhunagar, he filed an appeal in A.S.No.68 of 2025 on the file of the Additional District Court, Virudhunagar and the same is pending.

4.The learned Additional Government Pleader appearing for the official respondents submits that in the revenue records, the land is classified as Natham Property. Since the subject property does not fall under the category of government land, it cannot be dealt with under the Land Encroachment Act or the third respondent cannot be treated as an encroacher.

5.Heard the learned counsel appearing on either side and perused the materials placed on record.



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6. Admittedly, the land is classified as Natham land in the revenue records and hence, the Land Encroachment Act does not apply. Further, the issue with regard to the subject property is pending before the competent civil Court. Hence, we hold that it is for the parties to agitate their right before the civil Court and work out their remedy depending upon the outcome of the said appeal.

7. In view of the above, we are not inclined to entertain this writ petition. Accordingly, this writ petition is dismissed. There shall be no order as to costs.

[N.S.K., J.] & [M.J.R., J.]
17.03.2026

Index : Yes/No
NCC : Yes/No
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