



W.P(MD)No.7714 of 2026

WEB CODE BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.03.2026

CORAM:

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

**W.P(MD)No.7714 of 2026
and
W.M.P(MD)Nos.6294 & 6295 of 2026**

1.K.Sathyanathan
2.P.Parvatham
3.S.Selvaraj
4.Kanagapandi
5.Kannayiram
6.Jeyakani
7.Muniyabose

... Petitioners

vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Tahsildar,
Kamudhi Taluk,
Ramanathapuram District.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the impugned order of the second respondent in Na.Ka.B8/3542/2025 dated 17.11.2025 and the impugned order of the first respondent in Na.Ka.B3/45149/2025 dated 18.02.2026 and further direction to the respondents 1 & 2 to issue patta in S.No.69, Nerinijipatti Village, Kovilankulam Group, Kamudhi Taluk, Ramanathapuram District in respect of Shri Kannayirammoorthi Ayyanar, Ponnanthi Kali and Karuppsamy Temples, cemetery and samathu, within a stipulate time as fixed by this Court.

For Petitioners : Mr.V.Karthikeyan

For Respondents : Mr.D.Sasikumar (R1 & R2)
Additional Government Pleader

ORDER

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

Challenging the impugned proceedings dated 18.12.2026 issued by the first respondent, namely the District Collector, Ramanathapuram, the petitioners have filed the present Writ Petition.



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2.It is the case of the petitioners that one S.Nehru, a resident of their village, had earlier filed a writ petition in W.P.(MD)No.32634 of 2025 seeking a direction to the authorities to survey certain lands and remove alleged encroachments in various survey numbers, including Survey No.69, situated at Kovilankulam Village, Kamudhi Taluk, Ramanathapuram District, based on his representations dated 05.06.2025 and 20.07.2025. According to the petitioners, the said writ petition was motivated by personal enmity.

3.The petitioners contend that they have not encroached upon any Government land and that Survey No.69 contains temples, a cemetery, and samathis, which have been in existence for several decades and are being used by the village public without any obstruction. It is further stated that the revenue authorities have wrongly classified the land as a cart track, despite representations seeking issuance of patta in favour of the temple and the related structures.



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4.The petitioners further submit that, despite submitting their objections along with relevant documents and participating in the enquiry, the first respondent, without properly considering the same, passed the impugned order directing removal of the alleged encroachments. Aggrieved by the said order, the petitioners have approached this Court under Article 226 of the Constitution of India.

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

6.On perusal of the materials available on record, it is seen that originally a notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, was issued for removal of encroachment in Survey No.69 to an extent of 0.71.0 hectares. One S.Nehru had filed a writ petition in W.P(MD)No.32634 of 2025 seeking removal of encroachment, and this



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WEB COPY Court, by order dated 26.11.2025, disposed of the said writ petition directing the private respondents therein, who are the petitioners herein, to submit their reply to the authorities concerned. Pursuant to the notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, the petitioners submitted their explanation before the District Collector instead of the Tahsildar. The District Collector, erroneously treating the said reply as an appeal under Section 6 of the Act, passed the impugned order.

7.We are of the view that the entire proceedings have been misconstrued. Since a notice under Section 7 has already been issued, the petitioners ought to have submitted their explanation to the Tahsildar, who issued the said notice.

8.In view of the above, the petitioners are directed to submit their reply to the second respondent, namely the Tahsildar, within a period of one week from the date of receipt of a copy of this order. On receipt of the same, the second respondent shall consider the reply and pass appropriate



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orders on merits and in accordance with law, within a period of two months thereafter. In the event of any adverse order being passed against the petitioners, it is open to them to file an appeal before the District Collector under Section 10-A of the Tamil Nadu Land Encroachment Act, 1905, and the District Collector shall decide the same on its own merits and in accordance with law, without being influenced by the earlier order dated 18.02.2026. Since the proceedings dated 18.02.2026 issued by the first respondent are without jurisdiction, the same stand quashed.

9. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, the connected Miscellaneous Petitions are closed.

[N.S.K.,J.] [M.J.R.,J.]
23.03.2026
(1/2)

NCC : Yes / No
Index : Yes / No
Internet : Yes
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To

- 1.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 2.The Tahsildar,
Kamudhi Taluk,
Ramanathapuram District.



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N.SATHISH KUMAR, J.
and
M.JOTHIRAMAN, J.

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ORDER MADE IN
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DATED : 23.03.2026
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