



W.P(MD)No.9529 of 2026

WEB CODE BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.04.2026

CORAM:

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

**W.P(MD)No.9529 of 2026
and
W.M.P(MD)No.7597 of 2026**

Raja

... Petitioner

vs.

1.The District Collector,
Theni,
Theni District.

2.The Tahsildar,
Bodinayakannur,
Theni District.

3.The Revenue Inspector,
Kodangi Patti,
Theni District.

4.The Block Development Officer,
Dombucheery, Bodinayakannur,
Theni 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 Certiorari, to call for the records pertaining to the impugned Eviction Form 7 Notice dated 23.02.2026 issued by the third respondent and consequent eviction notice proceeding in Na.Ka.No. 4187/2025/Thi1 dated 09.03.2026 issued by the fourth respondent and quash the both as illegal, since the lands are classified as Grama Natham and the provision of Land Encroachment Act, 1905 cannot be invoked.

For Petitioner : Mr.K.Dinesh

For Respondents : Mr.A.Kannan (R1 to R3)
Additional Government Pleader

ORDER

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

Challenging the impugned eviction Form 7 notice dated 23.02.2026 issued by the third respondent and the consequent eviction proceedings in Na.Ka.No.4187/2025/Thi1 dated 09.03.2026 issued by the fourth respondent, the petitioner has filed the present Writ Petition.



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2.The grievance of the petitioner is that he purchased a house site in Survey No.374/5 from Rajathi through a registered sale deed vide Document No.5570 of 2025 dated 23.10.2025. Since the registration, the petitioner has been in peaceful possession and enjoyment of the property. The patta for the property is in his wife's name, Selvi, under Patta No.1624.

3.In the meantime, the third respondent issued a notice claiming that the land was an encroachment and directing the petitioner to submit an explanation within two weeks. The notice stated that the land, classified as Grama Natham vacant site, was encroached upon by the petitioner through the construction of a compound wall and house. The petitioner submits that the eviction notice is invalid because Grama Natham lands are not vested with the Government and the Land Encroachment Act, 1905, cannot be invoked in respect of such lands. Consequently, the petitioner filed the present writ petition challenging the eviction notices issued by the third and fourth respondents.



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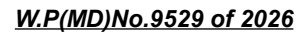
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4.The learned counsel appearing for the petitioner asserts that he is in possession and enjoyment of the property in Survey No.374/5, not Survey No.374/2.

5.The learned Additional Government Pleader, appearing for the respondents, submitted that the matter requires verification and a proper survey of the land before taking any action. He further submitted that if any encroachment is found, action will be taken in accordance with law, after providing the petitioner an opportunity of hearing.

6.On perusal of the materials available on record, it is evident that the petitioner has been given patta for Survey No.374/5 and has constructed a compound wall thereon, whereas the impugned order has been issued as if the petitioner had encroached Survey No.374/2.

7.In view of the above, the second respondent/Tahsildar is directed to conduct a survey of Survey No.374/2, after issuing notice to the petitioner and any other concerned parties, within a period of two weeks



8. With the above directions, this Writ Petition is disposed of.

[N.S.K.,J.] [M.J.R.,J.]
07.04.2026

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