



W.P(MD)No.16285 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.06.2026

CORAM:

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

**W.P(MD)No.16285 of 2026
and
W.M.P(MD)Nos.12123 & 12124 of 2026**

Poongodi

... Petitioner

vs.

1.The District Collector,
Tuticorin District.

2.Ettayapuram Town Panchayat,
Through its Executive Officer,
Ettayapuram,
Tuticorin District.

3.The Tahsildhar,
Ettayapuram,
Tuticorin District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India
praying for issuance of a Writ of Certiorarified Mandamus, calling for the



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records relating to the impugned proceedings dated 05.06.2026 in Na.Ka.No. 427/2025 issued by the second respondent and quash the same and consequently direct the third respondent to conduct a free, fair and proper survey of lands in the entire old and undivided S.No.365, Ettayapuram Village, Tuticorin District, based on the sale deeds executed by the zamindhar in favour of the private persons including the petitioner and the gifts made by him to the public bodies like second respondent for bus stand and other purpose and identify them and demarcate them and subdivide them and issue patta to the private parties who own lands.

For Petitioner : Mr.VR.Shanmuganathan

For Respondents : Mr.C.Jeganathan
for State

ORDER

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

Challenging the impugned proceedings issued by the second respondent dated 05.06.2026, whereby the petitioner has been treated as an encroacher and directed to vacate the property in question within two weeks, the petitioner has filed the present writ petition and seeks a consequential



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direction to the third respondent to conduct a free, fair, and proper survey of lands in the entire old and undivided Survey No.365, Ettayapuram Village, Tuticorin District, based on the sale deeds executed by the Zamindar in favour of private persons, including the petitioner, and the gifts made by her to public bodies such as the second respondent for a bus stand and other purposes; and to identify, demarcate, subdivide, and issue patta to the private landowners.

2.The petitioner states that the property in question forms part of old Survey No.365 of Ettayapuram Village, Tuticorin District. Originally, the entire extent of land in Survey No.365 belonged to the Ettayapuram Zamindar, who subsequently alienated portions of the land in favour of private individuals through registered sale deeds and also gifted certain portions for public purposes such as a bus stand, school playground, and other public utilities.



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3.The petitioner's property, measuring 3.71 cents along with a building of about 300 square feet, is claimed to have a clear chain of title traceable to registered sale deeds commencing from 1984. The property was purchased by the petitioner's husband, late Suresh, under a registered sale deed dated 06.03.1995. After his demise on 25.03.2016, the petitioner and other legal heirs succeeded to the property and have been in continuous possession and enjoyment of the same. Property tax and electricity charges are being regularly paid.

4.It is further stated that due to the absence of proper survey, demarcation, and subdivision of lands originally sold by the Zamindar and those allotted for public purposes, there is serious confusion in the revenue records relating to Survey No.365. No effective survey has been conducted so far, and without notice to the affected landowners or proper enquiry, revenue records have allegedly been altered, treating private lands as Government poramboke or public lands.



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5.The petitioner alleges that on 06.06.2026, she was served with a notice dated 05.06.2026 branding her as an encroacher and directing removal of the alleged encroachment within two weeks. On the same day, even before the expiry of the time granted in the notice, the second respondent erected a flex board in front of the petitioner's property claiming it to be Panchayat land and directing eviction.

6.It is further contended that although a prior notice dated 14.05.2026 had proposed a survey and demarcation scheduled on 18.05.2026, no survey was actually conducted. The petitioner submits that the impugned actions were taken without conducting any survey, without affording an opportunity of hearing, without determining title, and in violation of the principles of natural justice.

7.The petitioner argues that the existence of long-standing registered title documents establishes a serious civil title dispute, which cannot be unilaterally decided by revenue authorities by branding the



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petitioner as an encroacher. Challenging these proceedings, the petitioner has filed the present writ petition.

8.The learned counsel appearing for the State, on instructions, submitted that a survey has been conducted and it was found that the petitioner has encroached upon a portion of Survey No.365/1.

9.We have heard the learned counsel appearing on either side and perused the materials available on record.

10.On perusal of the materials available on record, it is seen that a notice dated 14.05.2026 was issued proposing to conduct a survey and calling upon the petitioner to produce all relevant documents. However, in the impugned order dated 05.06.2026, there is no reference whatsoever as to when the alleged survey was conducted or whether the same was conducted in the presence of the petitioner.



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11.In such view of the matter, the impugned notice issued by the second respondent dated 05.06.2026 is set aside. The respondents are directed to conduct a fresh survey in respect of the subject property in the presence of the petitioner, after issuing due notice to her, and thereafter pass appropriate orders in accordance with law. The entire exercise shall be completed within a period of two months from the date of receipt of a copy of this order.

12.With the above directions, this Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

[N.S.K.,J.] [M.J.R.,J.]
15.06.2026

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