



WEB COPY



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W.P.(MD)NO.19905 OF 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2026

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MRS.JUSTICE R.POORNIMA

W.P.(MD)No.19905 of 2019

and

W.M.P.(MD)Nos.16405, 16406, 16408 & 23619 of 2019

Sahayaraj

... Petitioner

Vs.

1. The Tahsildar,
Taluk Office,
Court Road, Thanjavur.

2. The Revenue Inspector,
Nanjikkottai,
Thanjavur Taluk.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned notice issued by the first respondent in Na.Ka.No.05644/2019/A5 dated 27.06.2019 and the impugned notice issued by the second respondent dated NIL, quash the same and consequently directing the first respondent to grant patta in the name of the petitioner for S.No.326/2-0.40.5 Hectares of Nanjikkottai Village, Thanjavur Taluk and District.



For Petitioner : Mr.P.Vadivel
For Respondents : Mr.G.V.Vairam Santhosh,
Additional Government Pleader.

* * *

ORDER

(Order of the Court was delivered by G.R.SWAMINATHAN, J.)

Heard both sides.

2. The petitioner questions the impugned eviction order passed by the Tahsildar, Thanjavur under Section 6 of the Tamil Nadu Land Encroachment Act, 1905. The land in question is being held by the petitioner under grant from the Tamil Nadu Bhoodan Yagna Board. However, revenue patta is yet to be issued. The stand of the revenue is that the conditions of grant have been breached.

3. If the respondents are right, it is for the Bhoodan Board to initiate resumption proceedings. The question that arises for consideration is whether the second respondent Tahsildar would have issued the impugned eviction order. Section 6 of the Act states that any person unauthorisedly occupying any land for which he is liable to pay assessment under Section 3 or Section 3A may be



summarily evicted. Section 3 and Section 3A pertain to unauthorised occupation of any land which is the property of Government. For Section 6 to kick in, this is a condition precedent. The land in question should belong to Government. If the land does not belong to the Government, the provisions of the Land Encroachment Act, 1905 are inapplicable. The case on hand pertains to a Bhoodan land, not a Government land. Therefore, the impugned proceedings issued by the Tahsildar, Thanjavur are without jurisdiction.

4. On this sole ground, the order impugned in this writ petition is quashed. As regards the consequential prayer, liberty is given to the petitioner herein to work out his remedy in the manner known to law. This writ petition is partly allowed. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.SWAMINATHAN, J.) & (R.POORNIMA, J.)
23rd March 2026

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

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To:

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Taluk Office,
Court Road, Thanjavur.
2. The Revenue Inspector,
Nanjikkottai,
Thanjavur Taluk.



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