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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.03.2026**

CORAM:

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

W.P.(MD)Nos.21964 of 2019 & 15902 of 20205

WP.(MD)No.21964 of 2019

T.Sobidas

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary to Government,
C.M.Special Cell, Fort St.George,
Chennai-600 009.

2.The State of Tamil Nadu,
Represented by its Secretary to Government,
Revenue Department, Fort St.George,
Chennai-600 009.

3.The District Collector,
Kanniyakumari District,
Nagercoil.

4.The Revenue Divisional Officer,
Padmanabapuram, Thakkalai.

5.The Tasildhar,
Killiyur Taluk,
Killiyur.

6.The Block Development Officer/E.O.



Killiyur Town Panchayat, Killiyur.

7.Sudha

... Respondents

(R7 is impleaded vide order dated 19.11.2019 made in WMP.(MD)No. 19117 of 2019 in WP.(MD)No.21964 of 2019)

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to pass order on the representation of the petitioner dated 13.08.2019 and to remove the encroachment in the Survey No.198/1, 198/2 and 198/3 at Killiyur revenue village, Killiyur Taluk, Kanniyakumari District.

For Petitioner : Mr.K.Vadivelu

For R1 to R5 : Mr.J.Ashok,
Additional Government Pleader

For R6 : Mr.A.Thiyagarajan

For R7 : Mr.M.S.Suresh Kumar

WP.(MD)No.15902 of 2025

R.Rajendran

Vs

... Petitioner

1.The District Collector
Nagercoil Kanyakumari District

2.The Revenue Divisional Officer
Padmanabhapuram
Thuckalay
Kanyakumari District

3.The Tahsildar



Killiyoor Taluk
Kanyakumari District

4.The Executive Officer
Killiyoor Town Panchayat
Kanyakumari District

5.R.Sudha ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents 1 to 4 to remove the unauthorized illegal Encroachment made by the 5th respondent comprised in New Survey No.198/3(Old Survey No.405A), Killiyoor B Village, Killiyoor Taluk, Kanyakumari District which classified as Government Porampoke - Pathai

For Petitioner : Mr.T.Wins

For R1 to R4 : Mr.J.Ashok,
Additional Government Pleader

For R5 : Mr.M.S.Suresh Kumar

COMMON ORDER

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

These two writ petitions have been filed as Public Interest Litigation on the ground that to an extent of 16 cents of land were encroached upon by the private respondent herein. Therefore, a direction has been sought for removal of encroachment.



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2.It is the contention of both the writ petitioners that the subject land is classified as Government poromboke and pathway and it is under the encroachment of the private respondent.

3.The learned counsel appearing for the private respondent in both writ petitions brought to the notice of this Court that this issue has already been decided since there was a mistake crept during resurvey, the private land has been classified as public pathway, which has been challenged by the private respondent in a civil suit in O.S.No.204 of 2004 on the file of the I Additional District Munsif Court, Kuzhithurai. The suit has been decreed in her favour and the matter has been went upto second appeal in A.S.No.90 of 2016 before this Court and ended in favour of the private respondent, wherein the Government is also a party. Therefore, the contention of the learned counsel for the private respondent is that these writ petitions have been engineered by the Authorities in order to defeat the right of the private respondent, which has already been decided in the civil suit.

4.We have considered the submissions made on either side and perused the records carefully.



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5.The crux of the issue in these writ petitions is as to whether there is an encroachment or not. According to the writ petitioners, the subject property to the extent of 16 cents were classified as Government poromboke. When this Court has posted a question to the learned counsel appearing for the writ petitioners as to when the Government records have been came into existence with regard to the subject land, no one is able to answer exactly. A perusal of the decree and judgment in O.S.No.204 of 2004, we are of the view that these writ petitions are nothing but abuse of process of law and the same are engineered by the Authorities, who failed in the civil suit, which has reached finality. The suit in O.S.No.204 of 2004 itself filed for declaration that the plaintiff is entitled to the property. The main allegation in the plaint shows that the private property was enjoyed by the family, which was purchased under the sale deed from 1925 onwards and the same has been wrongly classified as Government poromboke during resurvey. The said suit proceeded as if during resurvey, there is no notice whatsoever issued to the owner of the property and only on that context the suit has been decreed. The government officials were parties in the said suit proceedings. After contesting in the suit, which went up to second



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appeal and ended in favour of the private respondent, one cannot challenge the said decree and judgment indirectly by filing writ petition as public interest litigation. We do not find any merits in these writ petitions and the same are liable to be dismissed.

6.In the result, the writ petitions are dismissed. There shall be no order as to costs.

[N.S.K., J.] & [M.J.R., J.]
12.03.2026

Index :Yes/No
Internet :Yes
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**N.SATHISH KUMAR, J.
AND
M.JOTHIRAMAN, J.**

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