



WEB COPY



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W.P.(MD)NO.22831 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 MS.JUSTICE R.POORNIMA

W.P.(MD)Nos.22831 & 22834 of 2019

and

W.M.P.(MD)Nos.19596 & 19598 of 2019

Elango @ Chinnathambi

... Petitioner
in both WPs.

Vs.

The Tahsildar,
Peravoorani,
Thanjavur District.

... Respondent
in both WPs.

Common Prayer: Writ petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling upon the records of the impugned order passed by the respondent dated nil and signed on 18.10.2019, quash the same as illegal, arbitrary and unenforceable.

(in both WPs.

For Petitioner : Mr.V.K.Vijayaragavan

For Respondents : Mr.S.Vinodh,
Government Advocate.

ORDER

Heard both sides.



2. The petitioner challenges the impugned order issued by the

Tahsildar, Peravoorani, Thanjavur District. By the impugned communication, the Tahsildar had issued a direction under Section 133 of Cr.P.C. to vacate possession of the petition-mentioned land comprised in survey No.14/16B in Modapulikkadu Village and survey No.138/3, Nattanikottai Village. The impugned order has to be set aside for two reasons:

a) It runs counter to the communication issued by the Sub Collector, Pattukkottai on 23.02.2016 wherein it has been mentioned that the consent of the land owners has to be obtained for laying cement road to facilitate the running of the temple chariot. The petitioner figures as the seventh noticee. When the Sub Collector, Pattukottai chose to treat the petitioner herein as a land owner, the Tahsildar, Peravoorani who is subordinate to him could not have treated the petitioner as an encroacher.

b) Secondly, the revenue records clearly indicate that Survey No.14/16B is the petitioner's patta land.

3. Therefore, the question of invoking Section 133 of Cr.P.C does not arise at all. It may also be incidentally noted that without passing preliminary order, the impugned direction had been straightaway



issued. We, therefore, quash the impugned orders. Though the writ petitioner had succeeded in the matter, he had graciously filed a memo dated 23.03.2026 which reads as follows:-

IN THE HIGH COURT OF JUDICATURE
MADRAS
MADURAI BENCH

W.P.(MD) No.22831 and 22834 OF 2019

Elango @ Chinnathambi

..Petitioner

-vs-

The Tahsildar
Peravoorani taluk
Thanjavur District,

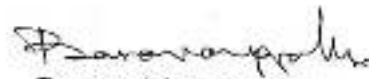
..Respondent

MEMO FILED BY THE PETITIONER

1. Without prejudice to the contentions, the writ petitioner agrees to lay a Tar road in his patta land to provide access to temple Car of Arulmigu Neelakanda Pillayar temple.
2. The festival takes place during the Tamil month of 'Chithirai' (Chithira pournami) and celebrated for 13 days. On the 9th day temple car carries the idol of Shri Murugan.
3. After the performance of temple festival the petitioner will close the way and he undertakes to lay the Tar road at his cost.
4. The road is his private road. The petitioner and his close relations are having lands on both sides of road.
5. The petitioner undertakes to lay the road before the commencement of next Temple Festival (2027).

Dated at Madurai this the 23rd day of March 2026


Petitioner


Counsel for petitioner



Recording the undertaking given by the petitioner herein, the writ petitions are allowed. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.SWAMINATHAN, J.) & (R.POORNIMA, J.)
23.03.2026

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

PMU

To:

The Tahsildar,
Peravoorani,
Thanjavur District.



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AND

R.POORNIMA, J.

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