



W.P.(MD)Nos.26331 of 2019 & Batch

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 23.03.2026

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MS.JUSTICE R.POORNIMA**

W.P.(MD)Nos.26331, 26332, 26333, 26334 and 26335 of 2019

W.P.(MD)No.26331 of 2019:-

Boominathan

... Petitioner

Vs.

1.The District Collector ,
O/o. the District Collector,
Virudhunagar District.

2.The Tahsildar,
O/o. the Taluk Office,
Kariyapatti Taluk,
Virudhunagar District.

3.The Block Development Officer,
(Village Panchayat),
Kariyappati Panchayat Union,
Kariyapatti,
Virudhunagar District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the



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2nd respondent herein in his proceedings in Na.Ka.A4/6721/2019 dated 07.12.2019 which was served on petitioner on 09.12.2019 and quash the same as illegal and unconstitutional and consequently forbearing the respondents from in any manner evicting the petitioner from his patta lands comprised in S.No.31/3A, 31/3B, 31/3C and 32/3 situated at Keela Idayankulam Village, Kariyapatti Taluk, Virudhunagar District.

For Petitioner : Mr.G.Thalaimutharasu

For Respondents : MrT.Amjadkhan,
Government Advocate.

W.P.(MD)No.26332 of 2019:-

Mariappan

... Petitioner

Vs.

1.The District Collector ,
O/o. the District Collector,
Virudhunagar District.

2.The Tahsildar,
O/o. the Taluk Office,
Kariyapatti Taluk,
Virudhunagar District.

3.The Block Development Officer,
(Village Panchayat),
Kariyappati Panchayat Union,
Kariyapatti,
Virudhunagar District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 2nd respondent herein in his proceedings in Na.Ka.A4/6721/2019 dated 07.12.2019 which was served on petitioner on 09.12.2019 and quash the same as illegal and unconstitutional and consequently forbearing the respondents from in any manner evicting the petitioner from his patta lands comprised in S.No.31/3A, 31/3B, 31/3C and 32/3 situated at Keela Idayankulam Village, Kariyapatti Taluk, Virudhunagar District.

For Petitioner : Mr.G.Thalaimutharasu

For Respondents : MrT.Amjadkhan,
Government Advocate.

W.P.(MD)No.26333 of 2019:-

Dharmar

... Petitioner

Vs.

- 1.The District Collector ,
O/o. the District Collector,
Virudhunagar District.
- 2.The Tahsildar,
O/o. the Taluk Office,
Kariyapatti Taluk,
Virudhunagar District.
- 3.The Block Development Officer,
(Village Panchayat),
Kariyappati Panchayat Union,



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Kariyapatti,
Virudhunagar District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 2nd respondent herein in his proceedings in Na.Ka.A4/6721/2019 dated 07.12.2019 which was served on petitioner on 09.12.2019 and quash the same as illegal and unconstitutional and consequently forbearing the respondents from in any manner evicting the petitioner from his patta lands comprised in S.No.31/3A, 31/3B, 31/3C and 32/3 situated at Keela Idayankulam Village, Kariyapatti Taluk, Virudhunagar District.

For Petitioner : Mr.G.Thalaimutharasu

For Respondents : MrT.Amjadkhan,
Government Advocate.

W.P.(MD)No.26334 of 2019:-

Karuppanan @ Thirumurugan

... Petitioner

Vs.

1.The District Collector ,
O/o. the District Collector,
Virudhunagar District.

2.The Tahsildar,
O/o. the Taluk Office,
Kariyapatti Taluk,
Virudhunagar District.



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3.The Block Development Officer,
(Village Panchayat),
Kariyappati Panchayat Union,
Kariyapatti,
Virudhunagar District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 2nd respondent herein in his proceedings in Na.Ka.A4/6721/2019 dated 07.12.2019 which was served on petitioner on 09.12.2019 and quash the same as illegal and unconstitutional and consequently forbearing the respondents from in any manner evicting the petitioner from his patta lands comprised in S.No.31/3A, 31/3B, 31/3C and 32/3 situated at Keela Idayankulam Village, Kariyapatti Taluk, Virudhunagar District.

For Petitioner : Mr.G.Thalaimutharasu

For Respondents : MrT.Amjadkhan,
Government Advocate.

W.P.(MD)No.26335 of 2019:-

M.Mari

... Petitioner

Vs.

1.The District Collector ,
O/o. the District Collector,
Virudhunagar District.

2.The Tahsildar,
O/o. the Taluk Office,



W.P.(MD)Nos.26331 of 2019 & Batch

Kariyapatti Taluk,
Virudhunagar District.

3.The Block Development Officer,
(Village Panchayat),
Kariyappati Panchayat Union,
Kariyapatti,
Virudhunagar District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 2nd respondent herein in his proceedings in Na.Ka.A4/6721/2019 dated 07.12.2019 which was served on petitioner on 09.12.2019 and quash the same as illegal and unconstitutional and consequently forbearing the respondents from in any manner evicting the petitioner from his patta lands comprised in S.No.31/3A, 31/3B, 31/3C and 32/3 situated at Keela Idayankulam Village, Kariyapatti Taluk, Virudhunagar District.

For Petitioner : Mr.G.Thalaimutharasu

For Respondents : MrT.Amjadkhan,
Government Advocate.

COMMON ORDER

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

Heard both sides.



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2.The writ petitioners challenge the final orders passed under Section 6 of the Land Encroachment Act, 1905. The Tahsildar, Kariyapatti had directed the removal of encroachment made in the channel running through S.Nos.31/3A, 31/3B, 31/3C, 31/3D and 32/3, Syriankulam Village. We had a look at the FMB and we are satisfied from the detailed marks found therein that a nilaviyal odai does run through these survey numbers. But then, in the notice issued under Section 7 of the Act, the Tahsildar, Kariyapatti has mentioned only about S.Nos.31/2 and 32/2. In other words, none of the survey numbers found in the final order passed under Section 6 of the Act find mention in the notice issued under Section 7 of the Act. It is well settled that there should be consonance between the final order and the showcase notice. In the present cases, there is a complete dissonance. On this sole ground, we quash the impugned orders. We remand the matter to the file of the Tahsildar, Kariyapatti. It is open to the Tahsildar to initiate fresh proceedings and pass an order afresh on merits and in accordance with the law. We also place on record the submission of the learned Government Advocate that the encroachments in question were cleared on 10.12.2019 itself.



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3. These writ petitions are allowed accordingly. No costs.

**(G.R.S. J.) & (R.P. J.)
23.03.2026**

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

To:

1. The District Collector ,
O/o. the District Collector,
Virudhunagar District.
2. The Tahsildar,
O/o. the Taluk Office,
Kariyapatti Taluk,
Virudhunagar District.
3. The Block Development Officer,
(Village Panchayat),
Kariyappati Panchayat Union,
Kariyapatti,
Virudhunagar District.



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G.R.SWAMINATHAN, J.
and
R.POORNIMA, J.

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