



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.01.2026

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN**

W.P(MD)No.33133 of 2025

Balamurugan

... Petitioner

.Vs.

- 1.The District Collector/Monitoring Committee,
Collectorate campus,
Ramanathapuram.
Ramanathapuram District.
- 2.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.
- 3.The Tahsildar,
Taluk Office,
Kamuthi Taluk,
Ramanathapuram District.
- 4.The Block Development Officer,
Panchayat Union Office,
Kamuthi,
Ramanathapuram District.



5.Karuppaiah

6.Selvi

7.Muniammal

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to remove the encroachment made by respondents 5 to 7 in respect of the property comprised in S.No. 261, Pothanathi Hamlet of Kakkudi Revenue Village, Kamuthi Taluk, Ramanathapuram District.

For Petitioner : Mr.K.Neelamegam

For Respondents : Mr.P.Thilak Kumar
1 to 4 Govt. Pleader

For Respondents : Mr.B.Jameel Arasu
5 to 7

ORDER

(Order of the Court was made by **DR.G.JAYACHANDRAN**)

The Writ Petition is filed by one Balamurugan alleging that in gross violation of the order passed by this Court in



WP(MD)No.8214 of 2025, dated 25.04.2025, Karuppaiah, son of Malaichamy, who is the fifth respondent in the Writ Petition, has continuously carrying on the construction work, despite cancellation of the patta issued to him.

2.The case of the Writ Petitioner is that the private respondents herein, who all belong to one family had fraudulently obtained free house site patta bearing NOs.522, 523, 524,563,564,565 and 191 which was challenged in the Writ Petition in W.P(MD)No.8214 of 2025 for cancellation. The Sub-Collector Paramakudi, after due enquiry, got the pattas issued in the name of three members of the same family came to be cancelled vide proceedings, dated 25.3.2025. Since the same was cancelled, pending disposal of the Writ Petition in W.P(MD)No.8214 of 2025, the Writ Petition came to be disposed. When the matter came up on 25.4.2025, cancellation of patta was reported to this Court and this Court has passed an order of status quo. While so in gross violation, the private respondents are continuously putting up their construction in the land for which patta granted earlier cancelled. It is contended in the Writ Petition that Karuppaiah and his family members are wealthy person having political influence and a Ward Member of Vallanthai Panchayat having a spacious tiled house of his own, apart from the Government assignment



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house. Submitting that there is violation by putting up construction of the house in the land for which patta was already cancelled, representation was given to the authorities to take necessary action to remove the encroachment made by the private respondents 5 to 7 in S.No.261, wherein, the respondents inspite of receiving notice, has not considered the representation and allowing the illegal construction in the encroached land.

3.The learned Government Pleader appearing for the respondents 1 to 4 submitted that in respect of the allegation made by the writ petitioner in his earlier round of litigation, a detailed enquiry was conducted and the Deputy Collector had issued proceedings, dated 25.3.2025 and found that the ancestors of Karupopaiah were in possession of piece of land in S.No.261/26 and S.No.261/19. Karuppaiah, who is the fifth respondent has sought for mutation of patta and the same has been transferred in his name vide proceedings, dated 10.7.2007 in RTR/24/2007. Upon which, he has put up construction. While so, free house site patta was issued to Karuppaiah and his family members without considering the holdings of their family. In the course of the enquiry, the same fact came to light and the contention of Karuppaiah that he is holding the land through his ancestors throuh valid patta and therefore, free house sita patta issued



erroneously in respect of their own property found to be encroachment, in view of the different survey numbers and location of the property. As a result, Kakkudi Group Natham S.No.261/18 and S.No.261/31 which is a Government Poramboke land as per the Village Regiser, in which, patta was given to the private respondents erroneously been cancelled and necessary mutation of records been ordered vide proceedings, dated 25.3.2025.

4.The leaned counsel for the Petitioner/Balamurugan would submit that the private respodnents, who have house property in their patta land are at the outset not entitled for free house site patta from the Government and the contention of the learned counsel for the private respondents that the patta was given for their own land but erroneously termed as free house site patta, is incorrect and the same has reflected in the proceedings of the Sub Collector, dated 25.3.2025.

5.The learned Government Pleader would also submit that the private respondents herein are not entitled for free house site patta from the Governemnt Poramboke land, when they have residential house in their patta land. This Court finds that the Writ Petition seeking mandamus to take necessary action for



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removal of encroachment in the construction made by the private respondents on the land where patta was cancelled on 25.3.2025 is to be allowed, in view of the above fact and in view of the disposal of W.P(MD)No.24078/2025 filed by Karuppaiah seeking issuance of Certiorarified Mandamus calling for the records pertaining to the impugned proceedings of the District Revenue Officer, dated 24.6.2025

6.In the result, this Writ Petition is allowed and the official respondents are directed to remove the encroachment made by respondents 5 to 7 in respect of the property comprised in S.No. 261, Pothanathi, Hamlet of Kakkudi Revenue Village, Kamuthi Taluk, Ramanathapuram District. No costs.

[G.J.,J.] [K.K.R.K.,J.]
29.01.2026

NCS : Yes/No
Index : Yes / No
Internet : Yes / No

vsn

To

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Collectorate campus,
Ramanathapuram.

6/8



Ramanathapuram District.

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DR.G.JAYACHANDRAN, J.
and
K.K.RAMAKRISHNAN, J.

vsn

ORDER MADE IN
W.P(MD)No.33133 of 2025

29.01.2026