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W.P.(MD) No.36763 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.01.2026

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
and
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

**W.P.(MD) No.36763 of 2025
and
W.M.P.(MD) No.29203 of 2025**

P.Marimuthu

... Petitioner

-vs-

- 1.The District Collector
Virudhunagar District
- 2.The Revenue Divisional Officer
Aruppukottai
Virudhunagar District
- 3.The Tahsildar
Kariapatti Taluk
Virudhunagar District
- 4.The Executive Officer
Mallanginaru Town Panchayat
Kariapatti Taluk
Virudhunagar District

5.M.Ramamoorthy

... Respondents



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W.P.(MD) No.36763 of 2025

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari to call for the records pertaining to the order passed by the third respondent in Na.Ka.A8/3386/2025, dated 29.09.2025 and quash the same.

For Petitioner : Mr.T.S.Mohamed Mohideen

For Respondents : Mr.D.Sasikumar
Additional Government Pleader for R1 to R3
Mr.J.Ashok
Additional Government Pleader for R4

ORDER

[Order of the Court was made by DR.G.JAYACHANDRAN, J.]

This writ petition has been filed challenging the notice, dated 29.09.2025, issued by Tahsildar, Kariapatti Taluk, Virudhunagar District / third respondent, directing the Taluk Surveyor to measure the land in Survey No.431/25 of Soorampatti Village and submit a report as to whether there is any encroachment in the said survey number and cause notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, if any encroachment is identified in the said survey number.



W.P.(MD) No.36763 of 2025

WEB COPY

2. Earlier, the fifth respondent herein filed a writ petition in W.P. (MD) No.19996 of 2018 seeking a writ of mandamus directing the official respondents to remove the encroachments made by the writ petitioner herein in Survey No.434/1 of Soorampatti Village. The said writ petition was disposed of by this Court, by an order dated 19.09.2022, recording the submission made by the learned Special Government Pleader appearing for the official respondents in the said writ petition that encroachment in the said survey number has been identified, after conducting a survey, and the same will be removed after issuing notice to the encroacher and by following due process of law.

3. According to the petitioner, in the earlier writ petition filed by the fifth respondent, it was alleged that the petitioner herein has encroached upon the land in Survey No.434/1 of Soorampatti Village. However, the impugned notice has been issued by the third respondent for measuring the land in Survey No.431/25 of Soorampatti Village and to remove the encroachment if any in the said survey number, even though the petitioner herein is having a valid patta for the land in Survey No.431/25. Hence, the



W.P.(MD) No.36763 of 2025

WEB COPY

impugned notice is a colourable exercise of power and the same is therefore needs to be quashed.

4. Mr.D.Sasi Kumar, learned Additional Government Pleader who takes notice for the respondents 1 to 3, would submit that the petitioner herein filed a writ petition in W.P.(MD) No.460 of 2019 challenging the notice dated 26.12.2018, issued by the fourth respondent herein and to direct the third respondent herein to issue a patta. In the said writ petition, this Court, by an order dated 20.06.2025, directed the petitioner herein to treat the said notice as a show cause notice and submit a reply within a period of two weeks and thereafter, the official respondents were directed to conduct a survey within a period of two weeks and pass appropriate orders within a period of four weeks thereafter by granting the opportunity of personal hearing to the petitioner herein. The earlier writ petition in W.P.(MD) No.19996 of 2018 filed by the fifth respondent herein is in respect of Survey No.434/1 of Soorampatti Village, whereas the writ petition in W.P.(MD) No.460 of 2019 was filed pursuant to the notice issued by the fourth respondent.



WEB COPY

W.P.(MD) No.36763 of 2025

5. This Court, on perusing the records, finds that the revenue officials, pursuant to the directions issued by this Court, have taken action for identifying encroachments in the Government land and accordingly, the impugned notice has been issued. The petitioner herein cannot take advantage of mentioning of a different survey number in the impugned notice to stall the process of measuring the land and to identify the encroachments if any. Hence, we do not find any merit in this writ petition.

6. Accordingly, this writ petition is dismissed. The petitioner shall cooperate with the revenue officials for measuring the land and to identify the encroachments if any and the revenue officials shall proceed further, only if there is any encroachment by the petitioner either in Survey No.434/1 or in Survey No.431/25 of Soorampatti Village. No costs. Consequently, connected miscellaneous petition is closed.

[G.J., J.]

[K.K.R.K., J.]

02.01.2026

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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Page 5 of 7



W.P.(MD) No.36763 of 2025

WEB COPY

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WEB COPY



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