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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-04-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

WP No. 45956 of 2025

C. Maniyan

..Petitioner(s)

Vs

1. The District Collector
Kallakurichi District, Kallakurichi-606 202
2. The Revenue Divisional Officer
Kallakurichi Division, Kallakurichi District-606
202
3. The Tahsildar
Sankarapuram Taluk, Sankarapuram-625 530
Kallakurichi District
4. The Block Development Officer
Thimmanandal Village, Kidangudaiyanpattu
Panchayat, Sankarapuram Panchayat Union,
Sankarapuram Taluk, Sankarapuram,
Kallakurichi District
5. The Taluk Surveyor
Sankarapuram Taluk, Sankarapuram-625 530
Kallakurichi District
6. The Headmaster
Panchayat Union Primary School,
Thimmandal Village, Sankarapuram Taluk,
Kallakurichi District-606 402
7. R.Rameshkumar
S/o.Ramachandran, Village Panchayat
President, Kidangudaiyanpattu Panchayat,
Thimmanandal Village, Sankarapuram Taluk,
Kallakurichi District-606 402



8. K.Panchalai

..Respondent(s)

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Writ Petition filed under Article 226 of the Constitution of India
issuing writ of certiorari to call for the records on the file of the 4th respondents
order dated 14.10.2025 and quash the same.

For Petitioner(s): Mr.J. Selvarajan

For Respondent(s): Mr. T. Arun Kumar
Additional Government Pleader for R1-3, 5& 6
Mr.J.C.Durai Raj
Additional Government Pleader for R4
Mr.R.Malaichamy for R7 & 8

ORDER

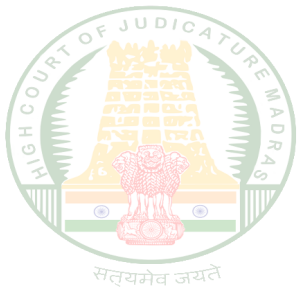
(Order of the Court was made by S.M.Subramaniam J.)

Writ Petition has been instituted challenging the final notice dated 14.10.2025
issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1907.

2. District Collector filed a counter affidavit. The relevant paragraphs are
extracted hereunder,

“ ...

*14. In compliance with the orders passed by this
Hon'ble Court, the then Tahsildar, Sankarapuram,
relying upon the judgment dated 21.12.2005 in
O.S.No.642 of 2001 passed by the Hon'ble Principal
Additional District Civil Court, Kallakurichi, ordered
issuance of patta for Survey No.12/20 measuring
0.00.75 ares in Thimmananthal Village in favour of*



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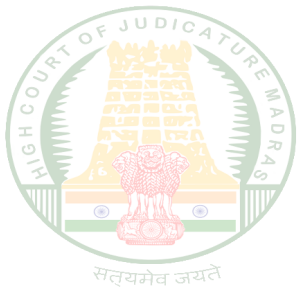
Thiru.Anbazhagan, S/o Chinnathambi, one of the legal heirs of Chinnathambi, and cancelled the patta earlier issued in favour of Kannusamy S/o Vaiyapuri, vide proceedings Na.Ka.A4/064/2025 dated 21.02.2025.

15. Thereafter, the petitioner filed W.P. No. 12076 of 2025 before the Hon'ble High Court of Madras seeking implementation of the said Tahsildar's order, and this Hon'ble Court, by order dated 15.04.2025, directed as follows:

“In view of the same, the 3rd respondent shall take steps to upload the same in the online mode within a period of one week from the date of receipt of a copy of this order.”

16. In the meantime, since patta stood in the name of Panchayat Union Primary School, Thimmananthal, for Survey No.12/20A measuring 0.00.56 ares, Thiru.Sankar S/o Kannusamy submitted a petition to the Sankarapuram Block Development Officer seeking removal of encroachments. Based on the communication received from the Block Development Officer, Form-I containing details of the alleged encroachers was forwarded on 13.10.2025, and consequently, Form-VI notice was issued on 14.10.2025.

17. Subsequently, seeking implementation of the order



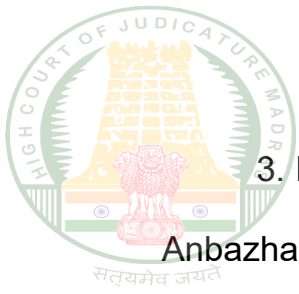
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passed in W.P. No.12076 of 2025, the petitioner filed Contempt Petition No.3410 of 2025 before the Hon'ble High Court of Madras. In the said proceedings, after impleading the Revenue Divisional Officer, Kallakurichi, as the 2nd Respondent, this Hon'ble Court directed that an enquiry be conducted and compliance be reported.

18. Pursuant thereto, the 2nd Respondent, by proceedings dated 20.11.2025 in Proc. No.2025/N109/33/003734, cancelled the subdivision pattas issued in the name of Panchayat Union Primary School, Thimmananthal, for Survey No.12/20A measuring 0.00.56 ares and in the name of Kannusamy S/o Vaiyapuri for Survey No.12/20B measuring 0.00.19 ares., and transferred patta for Survey No.12/20 measuring 0.00.75 ares in favour of Thiru. Anbazhagan S/o Chinnathambi.

19. Since issues relating to the said survey field were pending consideration before the Hon'ble Court, the encroachment removal proceedings initiated by the Sankarapuram Block Development Officer were kept in abeyance. Further, as patta for Survey No. 12/20 measuring 0.00.75 ares presently stands in the name of Thiru. Anbazhagan S/o Chinnathambi, there is no scope or authority to proceed with any encroachment removal in respect of the said survey field.”



3. In view of the fact that the patta has now been granted in the name of Anbazhagan, and an interse dispute exist between both parties, and further it is brought to the notice of this Court that a statutory appeal has been preferred before the District Revenue Officer, it is for the parties to resolve the issues in the manner known to law.

4. District Collector has stated that there is no scope or authority to proceed with any removal of encroachment in respect of the survey conducted in the subject property.

5. Learned Additional Government Pleader would submit that land belongs to Panchayat Union Primary School is intact and no encroachment is identified. It is for the private parties to resolve the dispute in the manner known to law.

6. Accordingly, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

(S.M.S.,J.) (K.S.,J.)
30-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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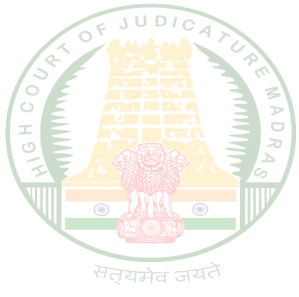
To

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**S.M.SUBRAMANIAM, J.
AND
K.SURENDER, J.**

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