

W.P.(MD)No.26919 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **02.12.2025**

CORAM:

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

W.P.(MD)Nos.26919 of 2025, 25489 of 2022 and 9346 of 2021

and

W.M.P.(MD)Nos.20891, 27618, 26091 of 2025, 19571 of 2022

and

Cont.P(MD)No.407 of 2024

S.Subramanian

... Petitioner

Vs.

1.The District Revenue Officer,
Collectorate Campus,
Madurai District.

2.The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Madurai,
Madurai District.

3.The Tahsildar,
Madurai North Taluk,
Madurai District.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Na.Ka.No.1071/2022/AA5 dated



W.P.(MD)No.26919 of 2025

11.09.2025 on the file of the respondent No.3 and quash the same as illegal and consequently forbear the respondent No.3 to keep all further eviction proceedings in abeyance till orders are on the petitioners appeal dated 01.03.2025 to rectify the error occurred under UDR scheme in respect of the lands in S.No.2/3 in Podhumbu Village, Madurai North Taluk, Madurai District.

W.P(MD)No.25489 of 2022

S.Subramanian

... Petitioner

Vs.

1.The District Collector,
O/o.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
O/o.The Tahsildar,
Madurai North Taluk,
Madurai District
Madurai.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned Notice in Na.Ka.No.1071/2021/Aa5 dated 02.11.2022 on the file of the respondent No.2 and quash the same as illegal within the time stipulated by this Court.

W.P(MD)No.9346 of 2021

E.Palanimurugan

... Petitioner

Vs.



W.P.(MD)No.26919 of 2025

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1.The District Collector,
O/o.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
O/o.The Tahsildar,
Madurai North Taluk,
Madurai District
Madurai.

3.Mr.Ganapathi

4.Mr.K.Senthil Vel

5.Mr.C.Thiyaraja Pandian

6.Mr.E.Selvaraj

7.Mr.V.Ramasamy

8.Mr.S.Kumar

9.Mr.V.Maari

10.S.Subramaniyan

... Respondents

*(R10 is impleaded vide Court order dated 08.11.2022
in W.M.P(MD)No.19144 of 2022)*

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents No.1 and 2 to remove the encroachment made by the respondents 3 to 9 in Survey No.2/3 which is classified as the temple pond in an extend of 420 Sq feet situated at Podumbu II bit Village, Madurai North Taluk, Madurai District by considering the petitioner's representation dated 17.02.2021 within the time stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy, Senior Counsel,
for M/s.Roy and Roy Associates

For R1 To R3 : Mr.SP.Maharajan
Special Government Pleader



W.P.(MD)No.26919 of 2025

Cont.P(MD)No.407 of 2024

I.Palanimurugan

... Petitioner/Petitioner

Vs.

Mr.G.Sivakumar
The Tahsildar,
Office of the Madurai North Taluk,
Madurai North Taluk,
Madurai District,
Maudrai.

...Contemnor/2nd Respondent

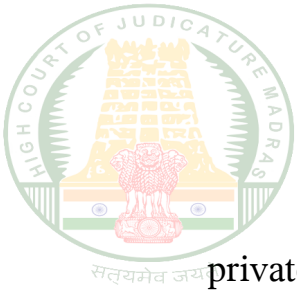
PRAYER:- Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the contemnor/2nd respondent for his wilful disobedience of the order passed by this Court in W.P(MD)No.9346 of 2022 dated 30.11.2022.

COMMON ORDER

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

Writ Petition in W.P(MD)No.9346 of 2021 is filed by one Palanimurugan, for a Mandamus to the respondents 1 and 2 viz., the District Collector and the Tahsildar, Madurai District, to remove the alleged encroachment made by the other respondents 3 to 9 in S.No.2/3 in Podumbu Village.

2.The case of the writ petitioner viz., Palanimurugan is that, the waterbody adjacent to the temple has been encroached upon by the

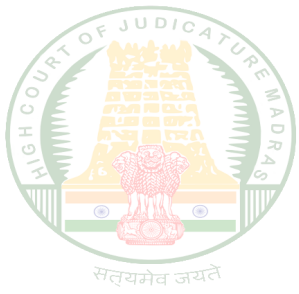


W.P.(MD)No.26919 of 2025

WEB COPY

private respondents 3 to 9 to construct a Community Hall for their personal benefits. This Court, while considering the writ petition, passed an interim order to the effect that the Tahsildar to collect the key of the said Community Hall and hand it over to the temple authorities. It is to be noted that the temple is a private temple, managed by the Villagers, which does not fall within the control of HR & CE. The above said order to hand over the key to the temple authorities was passed on 30.11.2022, alleging that the key was handed over to the rival party, the writ petitioner Palanimurugan had filed a contempt petition in Cont.P(MD)No.407 of 2024.

3.In the meanwhile, the said Subramaniyan, who is the 10th respondent in W.P(MD)No.9346 of 2021, had filed W.P(MD)No.25489 of 2022 seeking a writ of Certiorari to call for the records and to quash the impugned notice dated 02.11.2022 issued by the Tahsildar, Madurai. Another writ petition in W.P(MD)No.26919 of 2025 instituted by the same Subramaniyan for a writ of Certiorarified Mandamus to quash the proceedings of the Tashildar, dated 11.09.2025 to keep the eviction proceedings in abeyance till the petitioner's appeal before the revenue authorities seeking correction of UDR scheme.



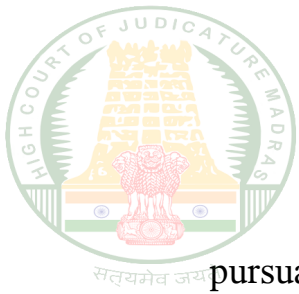
W.P.(MD)No.26919 of 2025

WEB COPY

4.The contention of the writ petitioner in W.p(MD)No.9346 of 2021, Mr.Palanimurugan is that the Community Hall constructed on a waterbody and the revenue records would clearly show that it is a waterbody(water tank). While so, the encroachment has to be removed.

5.The counter statement of Subramaniyan, who is the writ petitioner in W.P(MD)No.25489 of 2022 and 26919 of 2025 is that, the original classification of the land is Temple and Field(Kovil and Kalam), erroneously during UDR process, it has been changed to Kovil and Kulam(Temple and pond). It is further contended that taking advantage of that, the building being constructed on waterbody. In fact for several decades, the land upon which the community hall constructed, was a vacant land used by the villagers for social gatherings.

6.We find that, pursuant to the writ petition in W.P(MD)No. 26919 of 2025 filed by Subramaniyan, The District Revenue Officer, vide proceedings dated 28.11.2025, has considered the request of the said Subramanian to re-classify the land as “Temple and Kalam” and rejected it stating that the revenue records since 1999 show S.No.2/3 was only Temple and kulam. As far as the possession of the building is concerned,

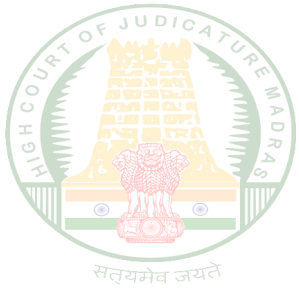


W.P.(MD)No.26919 of 2025

WEB COPY

pursuant to the order passed by the Division Bench of this Court on 30.11.2022, it appears that after some correspondence, the key of the building handed over to the temple authorities viz., Subramanian, Ganesamoorthy, Selvaraj, Saravanan, Velayutham, Mari and Veerannan Servai on 04.07.2023 and till date, the key is in their possession. As far as Palanimurugan is concerned, the conduct of the Tahsildar handed over the key of the Community Hall to the rival party is contempt, which is contrary to the order passed by this Court and hence, contempt petition is being laid.

7.From the above discussion, it is clear that the Community Hall, which has come to an existence about 7 years prior to filing of the writ petition ie., 2001, was constructed on the plain, though the revenue record shows that it is temple and kulam which is disputed by Subramaniyan and others. If they are so advised, they can challenge the order passed by the DRO, vide his proceedings Na.Ka.No.4002237/2025 J-3, dated 28.11.2025. Regarding the possession of the building, it is contended that the Tashildar has handed over the key to Subramaniyan and 5 others and they are in possession of the key.

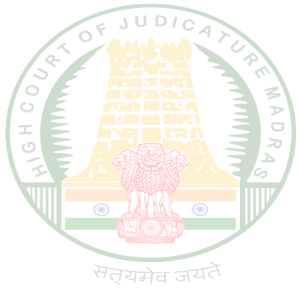


W.P.(MD)No.26919 of 2025

WEB COPY

8.Today, the learned Senior Counsel appearing on behalf of Subramanian and others had produced the key of the building. The Tahsildar, viz., Mr.V.Pandi, Madurai North Taluk, is also present.

9.We direct the said Subramaniyan and others to handover the key to the Tahsildar, Madurai North Taluk, after obtaining due acknowledgment. Thereafter, the Tahsildar is directed to handover the key to the BDO Madurai, West Panchayat, since the localbody has been superseded and now under the control of the Special Officer, who is the Block Development Officer. The administration of the building vested with Panchayat. Regarding the parent writ petition in W.P(MD)No.9346 of 2021, wherein, the writ petitioner Palanimurugan contends that the construction of the building is in the waterbody. We find that though the revenue records consistently indicates that it is Temple and Kulam, but there was no waterbody even according to the field map and sketch produced by the revenue department. Therefore, even if there is any encroachment and it cannot be ratified that can be done only after the proceedings of the DRO dated 28.11.2025 reach its finality.

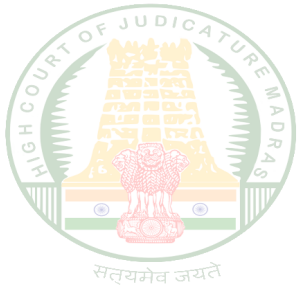


W.P.(MD)No.26919 of 2025

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10. Therefore, insofar as W.P.(MD)No.9346 of 2021, we dispose of the writ petition with the observation that if there is any encroachment and it cannot be ratified, action may be taken only after final order is passed regarding the classification and after due measurement of the field, the area in which the temple is located and the area in which the building is located and to what extent the alleged encroachment is in the field. Regarding W.P.(MD)No.26919 of 2025, since the DRO had already passed an order and the petitioner has now expressed that he wants to file an appeal before the State, we dispose of the said writ petition as nothing survives, in view of the order passed by the DRO.

11. W.P.(MD)No.25489 of 2022, this writ petition is filed to quash the notice issued by the Tashildar on 02.11.2022, to handover the key of the Community Hall, since the issue of control over the community hall has now come to an end reach its finality by the order of this Court that it will be under the control of Panchayat, we are of the view that no order is required in the above said writ petition.



W.P.(MD)No.26919 of 2025

WEB COPY

12.In fine, all the writ petitions are disposed of with the above observation. The contempt petition stands closed. No costs. Consequently, connected miscellaneous petitions are closed.

[G.J., J.] & [K.K.R.K., J.]
02.12.2025

Index :Yes/No

Internet :Yes

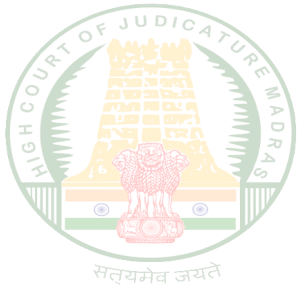
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To

1.The District Revenue Officer,
Collectorate Campus,
Madurai District.

2.The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Madurai,
Madurai District.

3.The Tahsildar,
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W.P.(MD)No.26919 of 2025

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

Ns

W.P.(MD)Nos.26919 of 2025, 25489 of 2022 and 9346 of 2021
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