



W.P(MD)No.6294 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2026

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.6294 of 2019

and

WMP (MD) Nos.5017 & 9927 of 2019

K.Muthusamy

... Petitioner(s)

VS.

1. The District Collector,
Dindigul District..

2. The Commissioner,
Oddanchatram Municipality,
Oddanchatram,
Dindigul District.

... Respondent(s)

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 relating to the impugned order made in Na.Ka.No.772/2017/E1 dated 22/05/2018 by the 2nd respondent and quash the same as illegal and arbitrary and consequently direct the 2nd respondent herein not to form a drainage channel in the petitioners patta land in Survey No.220 of Oddanchatram village, Dindigul District.



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For Petitioner : Mr.M.Thirunavukkarasu
For R1 : Ms.K.R.Shivashankari, AGP
For R2 : Mr.P.Srinivas

ORDER

The present writ petition has been filed challenging the impugned order dated 22.05.2018 passed by the second respondent and for a consequential direction to the second respondent not to form a drainage channel in the petitioner's patta land in Survey No.220 of Oddanchatram village, Dindigul District.

2. The learned counsel appearing for the petitioner would submit that the petitioner is the owner of the property comprised in Survey No.226/6, to an extent of 1,260 sq.ft. According to the petitioner, the respondents have attempted to form a drainage channel in the said property without acquiring the same in the manner known to law. Aggrieved by the said action, the petitioner submitted a representation objecting to the proposed drainage formation. However, the said representation came to be rejected by the impugned proceedings dated



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WEB CTS 22.05.2018. Challenging the said order, the present writ petition has been filed.

3. The learned counsel would further submit that the respondents have no authority to form a drainage through the petitioner's patta land without following due process of law. Such action amounts to deprivation of the petitioner's property in violation of Article 300-A of the Constitution of India. Hence, the impugned proceedings are liable to be set aside.

4. Per contra, the learned Standing Counsel appearing for the second respondent would submit that, though the petitioner was originally the owner of a larger extent of land, including the property comprised in Survey No.220, he had subsequently formed an unapproved residential layout by subdividing the larger extent into house plots. In the said layout, a strip of land measuring 20 feet in width has been earmarked and shown as a common approach road for the benefit of the purchasers of the plots sold by the petitioner. It is only in the said common pathway that the respondents have laid the road and also provided a drainage facility for the benefit of the residents. If at all the petitioner is aggrieved, he has to establish his title and other civil rights before the competent Civil Court by



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letting in oral and documentary evidence. Hence, the writ petition is not maintainable and is liable to be dismissed.

5. This Court has considered the rival submissions and perused the materials available on record.

6. The core dispute between the parties pertains to the nature and character of the property in question, namely, whether it is the petitioner's exclusive patta land or a common pathway earmarked in the layout formed by the petitioner. Such an issue involves adjudication of disputed questions of fact, which cannot be effectively decided in exercise of the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. Therefore, this Court is not inclined to undertake such an exercise in the present writ proceedings.

7. Accordingly, the writ petition is dismissed, leaving it open to the petitioner to approach the competent Civil Court for appropriate relief and establish his title and other civil rights in the manner known to law. It is made clear that this Court has not expressed any opinion on the merits of the rival



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claims and all issues are left open to be decided by the competent Civil Court independently and in accordance with law. No costs. Consequently, the connected miscellaneous petitions are closed.

06.08.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes
PKN

To

1. The District Collector,
Dindigul District.
2. The Commissioner,
Oddanchatram Municipality,
Oddanchatram,
Dindigul District.



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M.DHANDAPANI,J.

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**ORDER MADE IN
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