

W.P(MD) No.15007 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 02.06.2026

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

W.P(MD) No.15007 of 2024

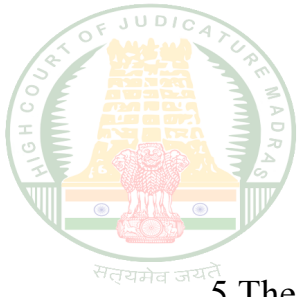
A.Raji

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Revenue and Disaster Management Department,
Fort St.George, Secretariat,
Chennai-600 009.
- 2.The District Collector,
Kanyakumari District,
at Nagercoil.
- 3.The Project Director,
National Highways Authority of India,
(Ministry of Road Transport and Highways),
Office of the Project Director, PIN, Kanyakumari,
Door No.13, Travelers Bungalow Road,
Kamaraj Nagar 1st Street,
Valliyoar, Tirunelveli District-627 117.
- 4.The District Revenue Officer,
Office of the District Collector,
Nagercoil, Kanyakumari District.

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5.The Sub Collector,
Padmanabhapuram,
Thuckalay, Kanyakumari District.

6.The Tahsildar,
Vilavancode Taluk,
Kuzhithurai, Kanyakumari District.

7.The Divisional Engineer,
National Highways,
Nagercoil,
Kanyakumari District.

8.The Commissioner,
Kuzhithurai Municipality,
Kanyakumari District.

9.S.Jegannathan

10.T.Ramesh

11.A.Nesamoni

12.J.Sisil

13.S.Star Jeyalat

14.S.Santhi

15.J.Saroja

16.S.Noorjahan

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 1 to 8 to remove the encroachments in S.No.D9/74, Kuzhithurai, Vilavancode Taluk, Kanyakumari District, within a time fixed by this Court.

For Petitioner : Ms.J.Anandhavalli

For Respondents : Mr.M.P.Senthil
Government Advocate
for R1, R2, R4 to R8
: Mr.P.Karthick
for R3
: Mr.V.Meenakshisundaram
for Mr.D.Nallathambi
for R9, R11, R12, R14, R15 & R16
: No appearance
for R13

ORDER

(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2. The writ petitioner is a resident of Marthandam in Kanyakumari District. His grievance is that on account of the encroachment committed by the private respondents and others on Government salai poromboke



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comprised in S.No.D9/74, the petitioner has been unable to access NH-47. The photographs produced before us indicate that the width of the pathway has been drastically narrowed down. Hence, the petitioner gave a complaint before the authorities. The jurisdictional Tahsildar took action under the provisions of the Land Encroachment Act and directed the encroachers to remove the encroachment. Aggrieved by the same, appeals were filed and the appeals were also dismissed. Revision was filed before the Government and the revision was also dismissed on 30.05.2023. Challenging the same, the private respondents have filed W.P.(MD)Nos.805 to 811 of 2024 before this Court. Vide order dated 02.06.2026, we have dismissed the writ petitions. This is because, encroachment in salai poromboke is intrinsically objectionable and hence, it cannot be condoned. However, in this writ petition, the petitioner has sought removal of the encroachment in S.No.D9/74. No exception can be taken to the petitioner's request.

3. But as rightly pointed out by the learned counsel appearing for the private respondents, not all the encroachments committed by the private respondents impede the petitioner's right of access to his house.



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This is not a Public Interest Litigation. Therefore, the petitioner can seek only vindication, only to the extent to which, his right demands.

4. We therefore direct the authorities to remove all the encroachments in S.No.D9/74 which impede the petitioner's access leading to NH-47. This shall be completed within a period of three months from the date of receipt of a copy of this order. This Writ Petition is allowed accordingly. No costs.

(G.R.S., J.) (R.P., J.)
02.06.2026

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
rmi

To

1.The Principal Secretary,
Revenue and Disaster Management Department,
Fort St.George, Secretariat,
Chennai-600 009.

2.The District Collector,
Kanyakumari District,
at Nagercoil.

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