

Rev.Aplw.(MD)No.42 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 14.07.2026

CORAM

**THE HON'BLE MR JUSTICE C.V.KARTHIKEYAN
AND
THE HON'BLE MR JUSTICE R.SAKTHIVEL**

Rev. Aplw.(MD)No.42 of 2014

C.Chella Thangam,
S/o Cheinnapillai,
No.36-1482 Chetti Theru,
Padmanabapuram,
Kanyakumari District

... Petitioner(s) in REV.APLW(MD). 42/ 2014

- Vs. -

1. The Commissioner, Padmanabhapuram Municipality,
Kanyakumari District
2. S.Kani, W/o Subbiah, Chetti Theru, Kothalam,
Padmanabhapuram, Kanyakumari District
3. G.Balakrishnan, S/o Gangatharan, Chetti Theru, Kothalam,
Padmanabhapuram, Kanyakumari District
4. M.Nagarajan, S/o Muthu, Chetti Theru, Kothalam, Padmanabhapuram,
Kanyakumari District
5. V.Neelavathi, D.No. 36-14b, West Kothalam, Padmanabhapuram,
Thuckalay Post, Kanyakumari District

... Respondent(s) in REV.APLW(MD). 42/ 2014



Rev.Aplw.(MD)No.42 of 2014

Prayer in REV.APLW(MD). 42/ 2014 : :Review Application is filed under Order 47 Rule 1 and Section 114 of the Code of Civil Procedure to review the order passed in WP(MD) No.1848 of 2013 dated 02.06.2014.

For Petitioner : M/s.G.Aravindan

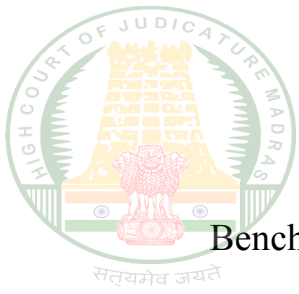
For Respondents : Mr.P.Athimoolapandian

ORDER

(Order of the Court was made by C.V.KARTHIKEYAN, J.)

Review Application has been filed seeking to recall the order dated 02.06.2014 in WP(MD) No.1848 of 2013.

2. The said writ petition had been filed by the petitioner herein in the nature of a mandamus seeking a direction to the respondent Municipality/Padmanabhapuram Municipality in Kanyakumari District to remove all encroachments made in Chetti Street (Link Road) in Ward No.2, Padmanabhapuram Municipality of Kanyakumari District and to provide new concrete road from Vivekananda Street to Chetti Theru (Link Road), Padmanabhapuram Municipality, Kanyakumari District. It was also sought that work order issued on 13.09.2012 should be implemented. The Division



Bench had held as follows:

WEB COPY

“3. It appears that in an area lying in S.No.C6-222 of Thuckalay Village in Padmanabapuram Municipality 2nd Ward, few people belonging to Scheduled Caste occupied a portion. They had constructed residential houses 20 years ago. The Government also issued free house site pattas to them. When the Municipality decided to form a pucca road in the place, the residents objected. Claiming that the prevention of the formation of a pucca tar road, leads to the other residents being put to hardship, the petitioner has come up with the above writ petition in public interest, seeking the removal of the encroachment on the street.

4. From the counter affidavit filed by the Municipality, it is clear that the land in question was occupied by people belonging to Scheduled Caste. They had occupied small areas of land and they have been issued with free house site patta. Once patta has been issued, the occupation cannot be termed as encroachment.

5. Insofar as the grievance of the petitioner relating to the pathway is concerned, the Municipality has taken contradictory stands. In paragraph No.3 of the counter, the Municipality has stated that the Municipality has not been able to implement their decision to form a pucca tar road, in view of the objection by the residents. The Municipality had stated that the residents are threatening to put an end to their lives, if any attempt is made.



WEB COPY



Rev.Aplw.(MD)No.42 of 2014

6. *At the same time, the Municipality has also taken a stand in the counter that the residents had put up steps to reach their houses on the pathway. In other words, what is allegedly encroached by the respondents 2 to 5, is only a small portion of the pathway, into which, there is a projection in the form of a few flight of stairs. Therefore, we do not think this is a case fit for issue of a writ of mandamus as prayed for. Hence, the writ petition is dismissed. No costs.*

3. It is seen that the Division Bench had placed reliance on the counter filed by the Municipality that the land in question was occupied by the people belonging to Scheduled Caste. They had occupied small area of land. They had also been issued free house site patta. It was therefore held that once patta had been issued, occupation cannot be termed as encroachment. We do not find any reason to hold that the said observation is an error on the face of record. Review Application stands dismissed. No costs.

(C.V.K.,J.) (R.S.V,J.)
14.07.2026

Index : Yes/No

Internet : Yes/No

RR



Rev.Aplw.(MD)No.42 of 2014

To

1. The Commissioner, Padmanabhapuram Municipality,
Kanyakumari District

WEB COPY



WEB COPY



Rev.Aplw.(MD)No.42 of 2014

**C.V.KARTHIKEYAN, J
AND
R.SAKTHIVEL, J**

RR

Rev. Aplw.(MD)No.42 of 2014

14.07.2026