



W.P(MD)No.24076 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.07.2026

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.24076 of 2018

and

W.M.P(MD)No.21777 of 2018

P.K.N.Arumugam

... Petitioner

Vs

1.The Commissioner,
Madurai Corporation, Anna Maaligai, Madurai.

2.The Inspector of Police,
S.S.Colony Police Station, Madurai.

3.S.Aravindbabu

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the first respondent to permit the petitioner to construct the part of the compound wall in Re-Survey Nos. 261/1 and 341/6, Maadakulam Village, Madurai and to pay compensation for the illegal demolition of the compound wall as per the provisions of the Madurai City Municipal Corporation Act 1971.



W.P(MD)No.24076 of 2018

WEB COPY

For Petitioner : Ms.D.Geetha

For Respondents : Mr.S.Vinayak (R1)
Standing Counsel

: Mr.R.Mohamed Riyaz (R2)
Government Advocate (Crl. Side)

ORDER

This Writ Petition has been filed seeking the issuance of a Writ of Mandamus directing the first respondent to permit the petitioner to reconstruct the demolished portion of the compound wall in Re-Survey Nos. 261/1 and 341/6, Maadakulam Village, Madurai, and to pay compensation for the alleged illegal demolition of the compound wall, in accordance with the provisions of the Madurai City Municipal Corporation Act, 1971.

2.The learned counsel appearing for the petitioner submitted that the petitioner is the owner of the land comprised in Re-Survey No.341/6, Maadakulam Village, Madurai, having purchased the same under a Sale Deed dated 02.08.2004 registered as Document No.5446 of 2004 on the file



W.P(MD)No.24076 of 2018

WEB COPY

of the Sub-Registrar-IV, Madurai. It is further submitted that the petitioner formed a residential layout in the said property and obtained layout approval for 11 plots from the office of the Executive Engineer (Planning), Madurai Corporation. According to the petitioner, some of the approved plots were sold by assuring the purchasers that the entire layout would be enclosed by a compound wall on all sides, since there was no common pathway or public road providing access to the adjoining lands.

3.The learned counsel further submitted that the third respondent is the owner of the land situated on the eastern side of the petitioner's property and that the third respondent has no independent access to his land. According to the petitioner, there has never been any public road or pathway passing through the petitioner's property leading to the lands of the third respondent or other adjoining landowners. While the petitioner was constructing the compound wall, the third respondent lodged a complaint before the second respondent alleging obstruction to his ingress and egress. Thereafter, on 11.05.2018, when the petitioner was away from the locality,



W.P(MD)No.24076 of 2018

WEB COPY

the third respondent again made a complaint before the first respondent, pursuant to which the officials of the first respondent demolished a portion of the compound wall. Aggrieved by the said action, the petitioner submitted a representation dated 14.05.2018 to the first respondent seeking appropriate relief. Since no action was taken on the said representation, the present Writ Petition has been filed.

4.The learned counsel for the petitioner submitted that this Court may issue a direction to the first respondent to consider the petitioner's representation dated 14.05.2018 and pass appropriate orders in accordance with law.

5.Per contra, the learned Standing Counsel appearing for the first respondent/Corporation submitted that a bare perusal of the approved layout would clearly disclose that the petitioner had promoted the layout by providing a 23-feet-wide approach road. It is further submitted that Condition No.4 of the layout approval specifically stipulates that the



W.P(MD)No.24076 of 2018

WEB COPY

approach road shown in the approved layout shall be gifted to the local body, and only upon such gift would the layout approval attain finality. Therefore, the petitioner cannot put up any construction, including a compound wall, over or across the approved approach road. It is further submitted that the compound wall constructed by the petitioner between Plot Nos.6 and 7 obstructs the approved approach road earmarked in the sanctioned layout and is, therefore, wholly impermissible. The said approach road is intended for the benefit of the plot purchasers as well as for public access in accordance with the approved layout. Hence, the petitioner is not entitled to seek either reconstruction of the compound wall or compensation. Accordingly, the learned Standing Counsel prayed for dismissal of the Writ Petition.

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

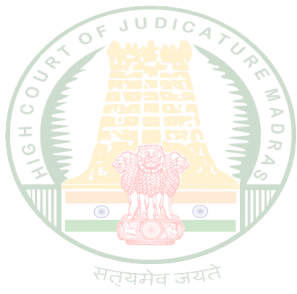


W.P(MD)No.24076 of 2018

WEB COPY

7.A perusal of the approved layout produced before this Court clearly reveals that a 23-feet-wide approach road has been earmarked in the sanctioned layout. Condition No.4 of the layout approval unequivocally provides that the approach road shown in the approved layout shall be gifted to the local body and that only thereafter shall the layout approval become operative. Once the petitioner has obtained approval subject to the said condition, he cannot claim any exclusive right over the land earmarked as an approach road nor can he obstruct the same by putting up a compound wall.

8.The materials placed before this Court disclose that the compound wall was constructed by the petitioner across the approved approach road between Plot Nos.6 and 7, contrary to the sanctioned layout. Such construction is in clear violation of the conditions of the layout approval and cannot be permitted to continue. Consequently, the action of the Corporation in removing the obstruction cannot be termed arbitrary or illegal.



W.P(MD)No.24076 of 2018

WEB COPY

9.In the light of the specific stipulation contained in Condition No.4 of the layout approval, the petitioner is not entitled to seek a direction to reconstruct the compound wall or to claim compensation for its demolition. The representation dated 14.05.2018 also does not merit any favourable consideration. In view of the above, this Court finds no merit in the Writ Petition.

10.Accordingly, the Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

21.07.2026

NCC : Yes / No
Index : Yes / No
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W.P(MD)No.24076 of 2018

WEB COPY

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WEB COPY



W.P(MD)No.24076 of 2018

M.DHANDAPANI, J.

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W.P(MD)No.24076 of 2018

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