



**W.P(MD)No.24222 of 2026**

**WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 20.08.2026**

**CORAM:**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI  
and  
THE HONOURABLE MR.JUSTICE N.DILIP KUMAR**

**W.P(MD)No.24222 of 2026**

Azhiyanatchiyar

... Petitioner

VS.

1. The District Collector,  
Madurai District.
2. The District Revenue Officer,  
O/o. the District Revenue Officer,  
Madurai.
3. The Revenue Divisional Officer,  
Madurai East Taluk,  
Madurai District.
4. The Tahsildar,  
Y. Othakadai,  
Madurai East Taluk,  
Madurai District.

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5. Arichandra

... Respondents

**PRAYER :** Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 to 4 to remove encroachments made by the 5th respondent in Survey No.12/10A, which is used as common Pathway passing in between the petitioners Plot No.36 and the 5th respondents Plot No.37 situates at Kathakinaru Panchayat, Madurai East Taluk, Madurai District by considering the petitioners representation dated 24.06.2026.

For Petitioner : Mr.R.Venkatesh  
for M/s.Right Law Associates

For Respondents : Mr.M.Mahaboob Athiff, SGP (R1 to R4)

### **ORDER**

**(Order of the Court was made by M.DHANDAPANI, J.)**

This Writ Petition has been filed for issuance of a Writ of Mandamus directing the respondents 1 to 4 to remove encroachments made by the fifth respondent in Survey No.12/10A, which is used as common Pathway passing in between the petitioners Plot No.36 and the fifth respondent's Plot No.37 situates



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at Kathakinaru Panchayat, Madurai East Taluk, Madurai District, by considering the petitioner's representation dated 24.06.2026.

2. By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself. Since no adverse order is going to be passed, notice to the fourth respondent is dispensed with.

3.The petitioner claims that she had purchased Plot No.36 in Old Survey No.12/10A, New Survey No.12/83, measuring an extent of 316 sq.ft., by way of a registered sale deed dated 01.07.2022. The grievance of the petitioner is that the fifth respondent, who is the adjacent plot owner, has constructed a building by encroaching upon the common pathway, thereby obstructing free access to the plots. In this regard, the petitioner submitted a representation dated 24.06.2026 seeking removal of the encroachment. Since no action has been taken so far, the petitioner has been constrained to file the present writ petition.

4. Per contra, the learned Special Government Pleader appearing for respondents 1 to 4 would submit that the subject properties are within the



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jurisdiction of the Panchayat and that the Panchayat has not been made a party to the present writ petition. Hence, this Court may grant liberty to the petitioner to make a fresh representation to the concerned Panchayat Executive Authority.

5. Heard the learned counsel for the parties and perused the material available on record.

6. Since the subject property falls within the jurisdiction of the Panchayat and the concerned Panchayat has not been impleaded as a party to the present writ petition, this Court is inclined to grant liberty to the petitioner to approach the competent Panchayat authority for redressal of her grievance.

7. Accordingly, the petitioner is at liberty to submit a fresh representation before the concerned Panchayat Executive Authority, setting out her grievance with regard to the alleged encroachment upon the common pathway. On receipt of such representation, the competent authority shall consider the same, after putting the fifth respondent and all other necessary parties on notice and affording them an opportunity of hearing and pass appropriate orders



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on merits and in accordance with law, as expeditiously as possible.

8. With the above direction, this writ petition is disposed of. No costs.

**[M.D.I.,J.] & [N.D.K.,J.]**  
**20.08.2026**

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

To

1. The District Collector,  
Madurai District.

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

3. The Revenue Divisional Officer,  
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**and**  
**N.DILIP KUMAR, J.**

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