



*W.P.(MD)No.18079 of 2023*

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

WEB COPY

**DATED: 27.07.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN  
and  
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**W.P(MD)No.18079 of 2023**

S.Alagupandi

... Petitioner

**Vs.**

1.The District Collector,  
Thoothukudi District,  
Thoothukudi.

2.The Tahsildar,  
Ottapidaram Taluk,  
Thoothukudi District.

3.The Block Development Officer,  
Kayathar Panchayat Union,  
Thoothukudi District.

4.The Panchayat President,  
Podupatti Panchayat,  
Ettayapuram Taluk,  
Thoothukudi District.

... Respondents

**Prayer:** Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents no.1 and 2 herein to remove the



W.P.(MD)No.18079 of 2023

encroachment made by the respondents 3 and 4 in S.F.No.114, 115, 116/18 situated at Pasuvanthanai Village, Ottapidaram Taluk, Thoothukudi District, based on the petitioner's representation dated 25.01.2023.

For Petitioner : Mr.M.Prabu  
For Respondents : Mr.K.Balasubramani  
Special Government Pleader  
for R.1 to R.3

### **ORDER**

Heard the learned counsel on either side.

2. The petitioner alleges that the respondents are attempting to lay roads on the petition mentioned survey numbers which have been classified as water bodies.

3. When the matter was taken up for hearing, the learned Special Government Pleader produced the relevant A-register entries. It is seen therefrom that Survey Nos.114 and 115 have been classified as “Sathura Kenaru” and “Odai”. On these survey numbers, no road can be permitted to be laid. However, in the FMB, a detail mark is found and it *prima facie* indicates that a road was in existence. If that be so, the status quo can continue. The



*W.P.(MD)No.18079 of 2023*

question of the authorities laying any Thar road will not arise as far as Survey No.114 is concerned. Survey No.116/18 has been classified as “Cart Track”. A road can very well be laid as far as Survey No.116/18 is concerned.

4. This writ petition is partly allowed. There shall be no order as to costs.

**[G.R.S., J.]      [B.P., J.]**  
**27.07.2023**

NCC : Yes / No  
Internet : Yes / No  
Index : Yes / No  
MGA

To

- 1.The District Collector,  
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**G.R.SWAMINATHAN, J**

**and**

**B.PUGALENDHI, J.**

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