



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.09.2023**

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
AND
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**W.P(MD)NO.22508 OF 2023
and
W.M.P(MD)No.18745 of 2023**

Rahumathullah

:Petitioner

.VS.

- 1.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 2.The Sub-Collector,
Paramakudi,
Ramanathapuram District.
- 3.The Tahsildar,
Muthukulathur Taluk,
Ramanathapuram District.
- 4.The Executive Officer,
Town Panchayat,
Mudukulathur Town Panchayat,
Ramanathapuram District.
- 5.The Inspector of Police,
Mudukulathur Police Station,
Ramanathapuram District.

6.Murugesan

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of



WEB COPY

India, praying this Court to issue a Writ of Mandamus directing the respondents 1 to 5 to remove the encroachment caused by the sixth respondent on a public road in S.No.305/6A1A situated at Meenakshipuram Street, Muthukulathur Panchayat, Muthukulathur Taluk, Ramanathapuram District within the time frame fixed by this Court.

For Petitioner	:Mr.M.Muniasamy
For Respondents 1 to 3	:Mr.D.Sachikumar Addl.Government Pleader
For Respondent-4	:Mr.N.Dilip Kumar
For Respondent-5	:Mr.M.Veeranthiran Govt.Advocate(Crl.Side)

O R D E R

(Order of the Court was made by S.S.SUNDAR,J)

This Writ Petition is filed seeking issuance of a Writ of Mandamus directing the respondents 1 to 5 to remove the encroachment caused by the sixth respondent on a public road in S.No.305/6A1A situated at Meenakshipuram Street, Muthukulathur Panchayat, Muthukulathur Taluk, Ramanathapuram District within the time frame fixed by this Court.

2.Mr.D.Sachikumar, learned Additional Government Pleader takes notice for the respondents 1 to 3, Mr.N.Dilip Kumar, learned



WEB COPY

counsel takes notice for the fourth respondent and Mr.M.Veeranthiran, learned Government Advocate(Crl.Side)takes notice for the fifth respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission state itself.

3.The Petitioner is a resident of Muthukulathur Town Panchayat. It is the case of the Petitioner that the sixth respondent who is also residing in Meenakshipuram Street, Muthukulathur Panchayat, Muthukulathur Taluk, Ramanathapuram District, has constructed a house encroaching the public road in S.No. 305/6A1A.The Petitioner has given the measurement and other details of the road, which is in existence for the use of the general public. It is reported before this Court that the entire property in S.No.305/6A1A is a private property of the sixth respondent. ‘A’ Register and Computer patta of the said property is produced before this Court, which shows that the sixth respondent is the registered land owner of the said property. Despite revenue records stand in the name of the sixth respondent, no other document whatsoever was produced in support of Petitioner’s claim.

4.The learned counsel for the Petitioner states that the



WEB COPY

property in S.NO.305/6A1A is a public road. Though in the document or revenue records it is not shown as a public road, the Petitioner has come forward with the present Writ Petition for the relief stated supra. The learned counsel for the Petitioner relied upon the internal communication between the revenue officials, on the basis of the representation of the Petitioner regarding the removal of encroachment. Though the allegation of the Petitioner is referred to in the said communication, the communication only indicates that the revenue officials should remove the encroachment only if it is available on ground.

5.In such circumstances, this Court finds no merit in the Writ Petition. This Court cannot entertain a Writ Petition without basic documents to prove or to show that the property in question is a public road so that this Court can issue a positive direction for removal of encroachment. The Petitioner cannot plead a case quite contrary to the revenue records produced by the Petitioner himself. Though the learned counsel for the Petitioner repeatedly contend that the property is a public property, there is not even a semblance of right one can probalize on the basis of the documents that are produced before this Court and as such, the Writ Petition is



devoid of merits.

WEB COPY

6. Accordingly, this Writ Petition is dismissed. No costs.

Consequently, connected Miscellaneous Petition is closed.

[S.S.S.R.,J.] [D.B.C,J.]
14.09.2023

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

vsn

To

- 1.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 2.The Sub-Collector,
Paramakudi,
Ramanathapuram District.
- 3.The Tahsildar,
Muthukulathur Taluk,
Ramanathapuram District.
- 4.The Executive Officer,
Town Panchayat,
Mudukulathur Town Panhayat,
Ramanathapuram District.
- 5.The Inspector of Police,
Mudukulathur Police Station,
Ramanathapuram District.



WEB COPY



S.S.SUNDAR, J.
AND
D.BHARATHA CHAKRAVARTHY, J.

vsn

ORDER MADE IN
W.P(MD)NO.22508 OF 2023
and
W.M.P(MD)No.18745 of 2023

14.09.2023