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Rev.Appl.No. 222 of 2025
IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 23.01.2026

PRONOUNCED ON : 30.01.2026

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

Rev.Appl.No. 222 of 2025

Ms.Jayaprabha
D/o. Late Kandasamy
Rep. by her power agent P.Revathy
W/o. Raj
Party

... Petitioner/Petitioner/Third

Vs

1. R.Parameshwari
W/o. Ravikumar
2. A.Saraswathi
W/o. Late Aruchamy

...

Respondents/Respondents/Petitioners

3. The Commissioner
Coimbatore Corporation
Coimbatore – 641 001.
4. The Assistant Commissioner
Coimbatore Corporation North Zone
No.1, Dr.Balasundaram Road
Pappanaicken Palayam



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Opp to Women Polytechnic
Coimbatore 641 037.

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5. Ms.Thilagavathi

...

Respondents/Respondents/Respondents

Prayer: Review Application filed under Article 226 of the Constitution of India, against the order dated 28.11.2024 passed in W.P.No. 21043 of 2022.

For Petitioner : Mr. Shivakumar & Suresh

For RR 1 & 2 : Mr. S.Durai Samy
for Mr.V.Elangovan

For RR 3 & 4 : Mr.N.Velmurugan

ORDER

This review application has been filed by a third party to the writ petition in W.P.No. 21043 of 2022 seeking review of the order dated 28.11.2024 passed in the said Writ Petition.

2. The Writ Petition had been filed by the first and second respondents herein in the nature of certiorarified Mandamus relating to an order dated 01.07.2022 passed by the third and fourth respondents, the Commissioner, Coimbatore Corporation and the Assistant Commissioner, Coimbatore



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Corporation, North Zone, relating to to removal of the fencing put up by the third respondent in the Writ Petition allegedly obstructing the 30 feet wide public road in S.Nos. 85/1, 86/1, 87/1 at Chinnavedampatti Village, Ganapathy, Coimbatore.

3. In the Writ Petition, it had been alleged that the lands in S.Nos. 85/1, 86/1 and 87/1 in Chinnvedampatti Village, Ganapathy in Coimbatore, measuring 4.90 acres originally belonged to Nagarajan, S/o. Ramasamy and to K.Ashok Kumar, S/o. S.Kandasamy and to A.Karthikeyan, S/o. Arumugam. They had purchased the property by sale deed dated 27.05.2016 registered in the office of the Sub Registrar, Gandhipuram at Coimbatore. They had then formed a layout and divided the land into plots and sold them to various persons including the third respondent in the Writ Petition, Thilagavathi. They had also formed a 30 feet wide layout road on the eastern side of the plots. It had been contended that the third respondent had put up a fence blocking the ingress and egress of the writ petitioners from their lands to the road. The writ petitioners had given a representation to the second respondent, Assistant Commissioner, Coimbatore Corporation, North Zone, Coimbatore.



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4. In the impugned order, the second respondent had stated that after due enquiry, it was found that the road was an unauthorised plot and belonged to private parties and does not belong to the Corporation and is a mud road and that the Corporation is not maintaining the road and that the Corporation had not put up street lights which provided any other amenities and that therefore, the Corporation was not in a position to remove the fencing. The Writ Petition had been filed challenging that order.

5. The third respondent had filed a counter affidavit stating that she had not put up the said fence and that the erstwhile owners had put up the fence and that she has no objection for the to removal of the fence and that the same has to be removed.

6. This Court, noting the stands of the parties and also taking into consideration the order of a Division Bench in W.P.No. 31545 of 2017 dated 14.03.2008 wherein, in a similar case, the Division Bench had directed that a fencing cannot be put up preventing ingress and egress to the road had directed removal of the fence. The fence was thereafter removed by the Corporation Authorities. Questioning the directions issued and holding that the order had been obtained without impleading the review



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applicants, the Review Application has been filed.

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7. In the Review Application, it had been contended by the review applicant that she was the owner of a larger extent of property and had obtained patta and thereafter, had formed a lay out of 11 separate plots and had sold 10 plots to various individuals and had retained one plot. She also retained a vast area of land to the western side of the plots and also formed a mud road on the eastern side of the plots. The patta relating to the mud road was in her name. She claimed that to prevent ingress and egress into the mud road by the writ petitioners, who had lands further east, she had put up the fence enclosing the mud road which was her private property.

8. It had been claimed that without impleading her or any of the other plot owners, and impleading only one of the plot owner, who also filed a counter affidavit aligning with the stand of the writ petitioners, an order had been obtained to remove the entire fence.

9. Heard arguments advanced by Mr.Sivakumar for M/s. Sivakumar and Mr.Suresh, learned counsels the appellant and Mr.S.Duraisamy, learned counsel for the first and second respondents/writ petitioners and

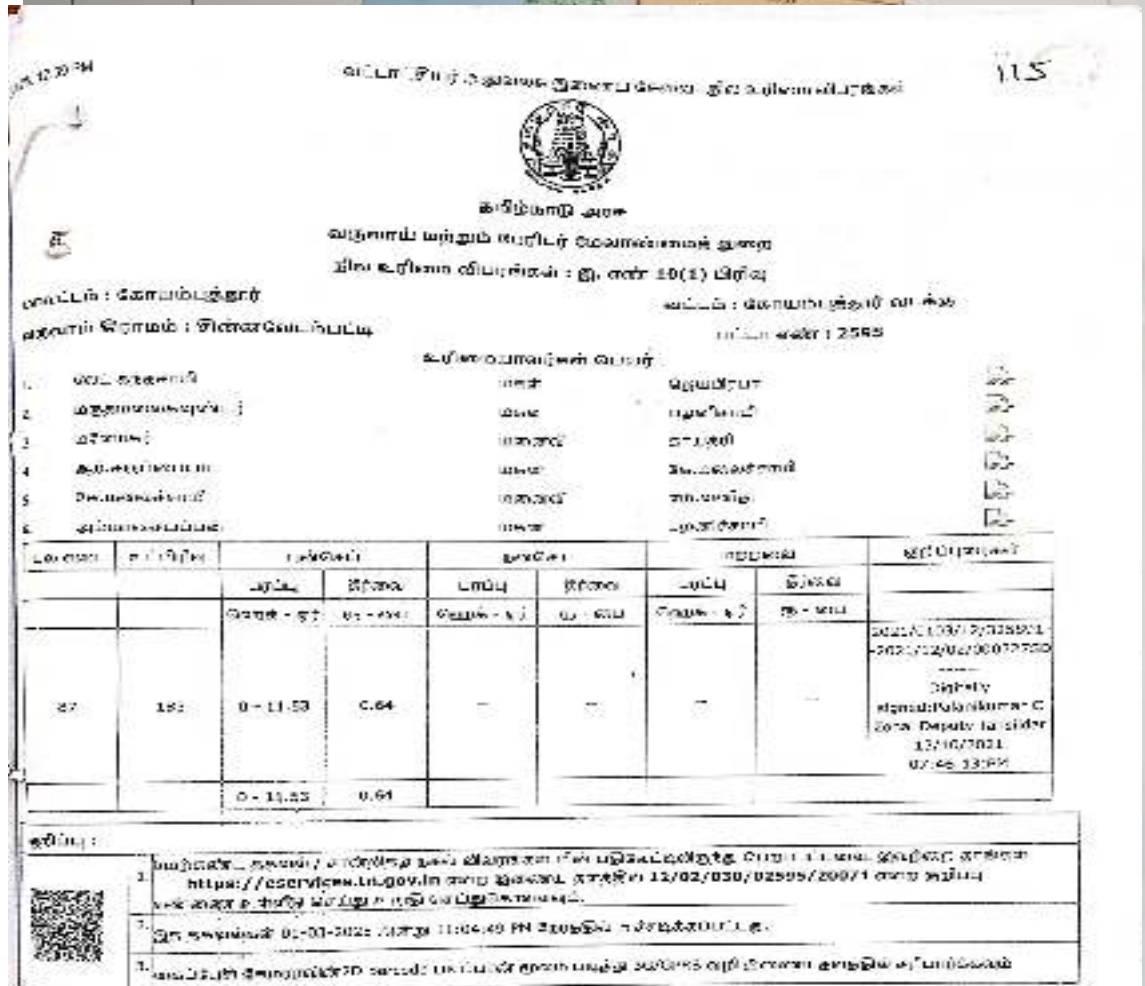
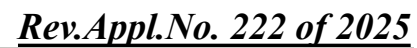


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Mr.N.Velmurugan, learned Standing Counsel for the Coimbatore

Corporation for the third and fourth respondents. The fifth respondent, who was the third respondent in the writ petition had been served but there has been no appearance on her behalf.

10. Even before examining the facts of the case, it would only be appropriate to refer to a sketch forwarded by the review applicant, a scanned copy of which is given below:-

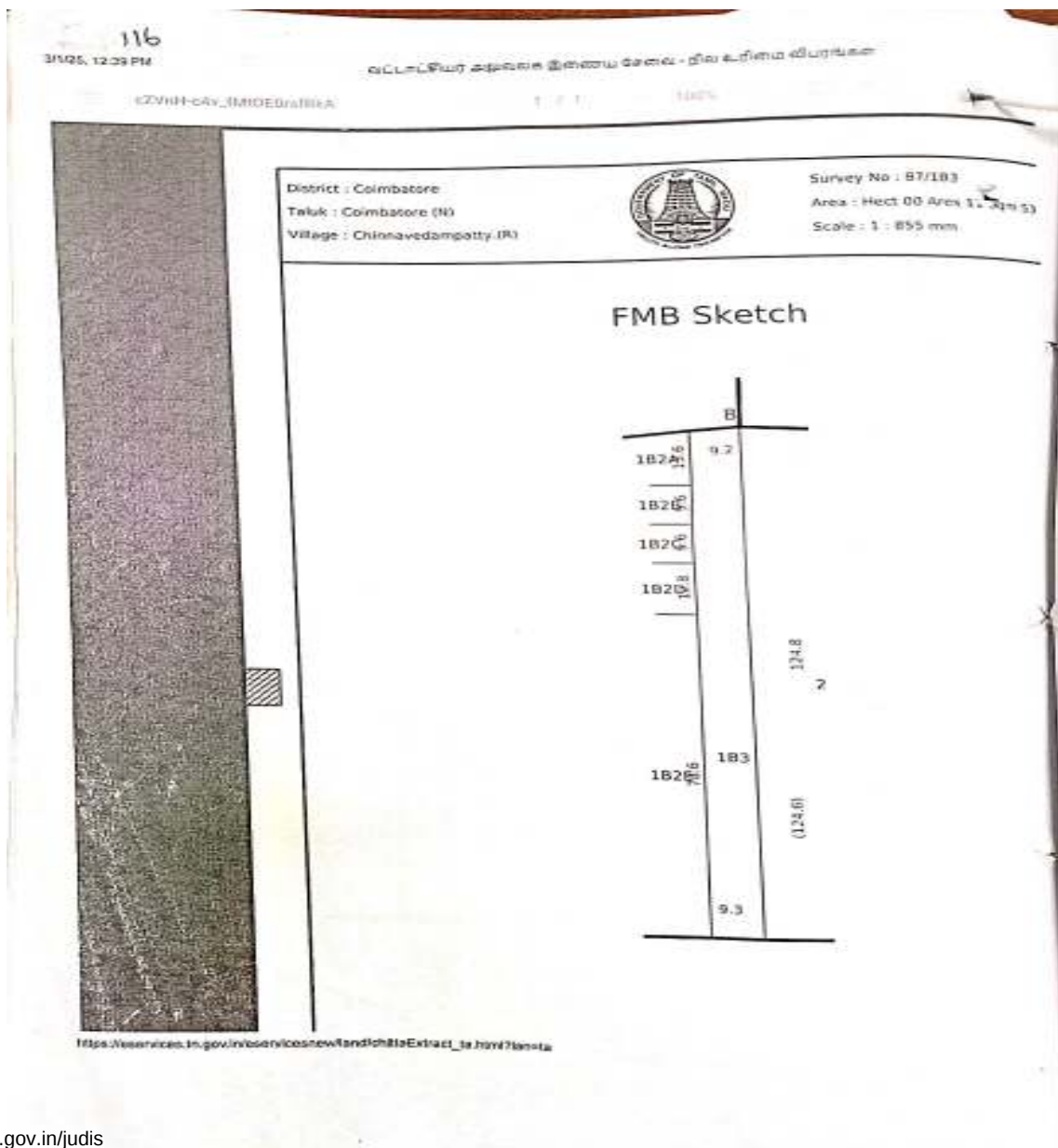




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11. The land in the blue colour portion belongs to review applicant. The green colour portions are the plots which had been sold. The grey colour portion is the mud road. The patta for the mud road stands in the name of the review applicant among other individuals. The scanned copy of the patta is also extracted below:-

12. The FMB sketch for the mud road is extracted below:-





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13. The learned counsel for the first and second respondent/writ petitioners stated that the plots are unapproved plots and that in the writ petition, one of the plots owners had been impleaded as party. It was therefore contended that the writ petition had been filed after impleading a necessary party. It was also contended that in the sale deeds to the individual plot owners, the right to use the mud road had also been conveyed and it was therefore contended that the review applicant cannot claim title or interest over the mud road and therefore cannot claim any right to put up a fence. It was also contended that subsequently, buildings have been constructed over the plots.

14. It has to be however emphasised that the actual owners of the mud road as is evident from the patta extracted above had not been impleaded as a party to the writ petition. Naturally, the order had been obtained without impleading proper and necessary parties. Only one of the other plot owners had been impleaded.

15. From the documents produced, it is evident that the mud road is the private property of the review applicant. A right to use the private pathway



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alone had been granted under the sale deeds to the plot owners. It had not been sold. The title still vests with the review applicant and her family.

16. In view of these reasons, I hold that the directions issued in the Writ Petition will necessarily have to be revisited. The review application is allowed. The directions issued in the Writ Petition stand recalled.

17. I am informed that the fence put up by the review applicants have been totally removed by the third and fourth respondents. The review applicant may put up a fence again and I would direct the third and fourth respondents to give necessary protection while putting up the said fence and excuse status quo ante is restored once again. The cost of putting up the fence may be recovered by the review applicant from the writ petitioners by manner known to law. The Court could also direct the writ petitioners to revive the fence but that would only prolong the entire issue and therefore, the review applicant may remove the fence at their cost and recover the amount from the writ petitioners.

18. The Review Application stands allowed with costs. The order in W.P.No. 21043 of 2022 stands recalled and the Writ Petition stands



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dismissed.

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Index :Yes/No

Internet:Yes/No
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C.V.KARTHIKEYAN, J.

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Pre Delivery Order made in

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