



W.P No. 35975 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-09-2025

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P No. 35975 of 2025 AND

WMP NOS. 40238 and 40241 OF 2025

S.Parvathi

W/o.E.Ganesan @ Sundararajulu, No.32d, Poonthotta
Street, Mudaliyarpettai, Puducherry- 605 004.

..Petitioner

Vs

1. Commissioner
Villianur Commune Panchayat, Villianur.
2. R.Rajasree
No.4, 3rd Cross Extn., Ilango Nagar,
Puducherry-605 010.

..Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the order dated 06.06.2025 issued by the 1st respondent, for removal of erected fencing posts on alleged road in Kandan Garden, Ramanathapuram, Villanur Commune and quash the same and direct the respondents to refrain from initiating any recovery proceedings against the petitioner.

For Petitioner :

Mr.N.L.Rajah, Senior Counsel
for Mr.K.R.Arun Shabari



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For Respondents : Mr.V.Vasantha Kumar
Additional Government Pleader - for R1
R2 - Notice dispensed with

Order

(Order of the Court was made by R.Suresh Kumar J.)

The prayer sought for herein is for a Writ of Certiorarified Mandamus to call for the records of the order dated 06.06.2025 issued by the 1st respondent, for removal of erected fencing posts in Kandan Garden, Ramanathapuram, Villanur Commune and quash the same and direct the respondents to refrain from initiating any recovery proceedings against the petitioner.

2. In respect of the property at R.S.No.85/3, Cadastre No.738 Part, Ramanathapuram Village, Village No.28, Villianur Commune Panchayat, Puducherry, it is the claim of the petitioner that is is a Patta land, where she has already put up some fence. However, a complaint seems to have been given by the second respondent to the first respondent stating that, by erecting the fencing posts at a place called "Sri Kandan Gardens" at two cross streets ie., adjacent to the property belongs to the petitioner, the ingress and egress of the property belonging to the second respondent and others is getting affected. On such complaint by the second respondent to the first respondent, the first



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respondent has written a letter dated 06.06.2025, whereby it has been found that the fencing posts erected by the petitioner would be a hindrance to the ingress and egress from the property of the second respondent and therefore steps would be taken to remove it and in case of emergency or urgency, the second respondent will have a right to remove the fencing posts at her own costs and restore the unobstructed access to her land. This communication is challenged in the present writ petition.

3. Heard Mr.N.L.Rajah, learned Senior Counsel assisted by Mr.K.R.Arun Shabari for the writ petitioner and Mr.V.Vasantha Kumar, learned Additional Government Pleader (Puducherry) for the first respondent. In view of the order that is going to be passed, notice to the second respondent is dispensed with.

4. If at all any complaint is made by the second respondent to the first respondent about the alleged encroachment made by the petitioner by erecting fencing posts, the same has to be surveyed in the presence of the petitioner as well as the second respondent and other neighbours, by the first respondent after completing the survey if it is ascertained and found that the petitioner has encroached upon any Government land, by thus making hindrance to the ingress



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and egress of others including the second respondent, suitable removal action under law can be taken. Otherwise, this kind of communication cannot be issued by the first respondent to the second respondent giving the right to the second respondent herself to act upon on her own, as that kind of communication cannot be sent by any Government authority to any private individual and that will lead to law and order issue in the locality.

5. In that view of the matter, the impugned order is liable to be set aside and accordingly set aside. However, liberty is given to the first respondent to act upon the complaint made by the second respondent, by giving notice to the petitioner as well as the second respondent for conducting survey of the land in question and after completing the survey, if any encroachment is found out on the part of the petitioner by erection of any fencing posts in the place concerned, remedial measures can be taken in accordance with law by the first respondent.

6. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.



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(R.S.K.,J.) (H.C.,J.)
24-09-2025

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

KST

To

Commissioner
Villianur Commune Panchayat, Villianur.



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**R.SURESH KUMAR J.
AND
HEMANT CHANDANGOUDAR J.**

KST

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