



W.P.No.48488 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2025

C O R A M

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.48488 of 2025

and

W.M.P.No.54145 of 2025

Balasubramaniam

... Petitioner

-vs-

1.The District Collector,
Puducherry.

2.The Tahsildar,
Bahour, Puducherry.

3.The Commissioner,
Nettapakkam Commune Panchayat,
Puducherry.

4.The Director,
Forest and Wild Life Department,
Puducherry.

5.A.Nagapushpam

... Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for entire records pertaining to the issuance of the order passed by the District Collector, Puducherry dated 15.11.2025 in No.M-13/1067/2025/B-DRDM/9738 and quash the same consequently direct the respondents to restore the pathway in RS.No.58/6, Sooramangam, Nettapakkam Commune Panchayat, Puducherry.

For Petitioner : Mr.C.Umashankar

For Respondents : Dr.K.Ramasamy,
Addl. Govt. Pleader for R1 to R4

ORDER

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

The order passed by the District Collector, Puducherry dated 15.11.2025 is under challenge in the present Writ proceedings.

2. The impugned order has been passed pursuant to the order of High Court in W.P.No.23651 of 2025 dated 01.07.2025. The District Collector while passing the impugned order had elaborately considered the representation submitted by the writ petitioner, the directions issued by the High Court and by affording opportunity to the parties. The decision



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arrived by the District Collector would show that the encroachment in public pathway had already been removed.

3. However, the learned counsel for the petitioner would submit that there is an obstruction in the pathway. Therefore, the petitioner is unable to use the said pathway.

4. The learned Additional Government Pleader Puducherry would oppose by stating that the pathway as stated by the writ petitioner is classified as water body. Therefore, the said portion cannot be construed as pathway. As far as the encroachments are concerned, the eviction proceedings are concluded pursuant to the orders of the High Court and all the encroachments were removed.

5. If at all the petitioner claims any easementary rights, he has to approach the competent civil court of law, since, the nature of disputed facts or the issues relating to civil rights cannot be adjudicated by High Court in exercise of power of judicial review under Article 226 of the Constitution of India.



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6. Consequently, the Writ Petition stands **dismissed**. No costs.

Consequently, the connected miscellaneous petition is closed.

(S.M.S,J.) (C.K,J.)
17.12.2025

Index: Yes / No
Internet: Yes / No
dsa



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To:

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- 3.The Commissioner,
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Puducherry.
- 4.The Director,
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AND
C.KUMARAPPAN, J.

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