



W.P.(MD)No.729 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.729 of 2020

and

W.M.P.(MD)No.540 of 2020

V.K.Alagu Thevan

... Petitioner

Vs.

- 1.The District Collector,
Madurai District, Madurai-625 020.
- 2.The Block Development Officer (Village Panchayat),
Thirupparankundram Region,
Thirunagar, Madurai-625 006.
- 3.The Deputy Head Quarters,
Tahsildar,
Thiruparankundram, Madurai.
- 4.The Special Officer,
A-1926, Thirunagar Co-operative Housing Society,
Madurai-625 006.
- 5.Veeralakshmi @ Savithiri
- 6.K.Jothi

...Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to remove the encroachments to the extent of 12640 sq.ft, which are left out for the common usage of general public and also to built up community hall, park, super market, small shop and common pathway in the property bearing Survey Nos.168(P), 169(M), 170, 171(P), 172, 173(P), 174(P) and 1B1 situated at Thanakkankulam Village, Madurai District in pursuance of the communication dated 28.03.2015 made in Na.Ka.No. 2129/2015/G(C) issued from the office of the 3rd respondent forthwith.

For Petitioner : Mr.Selvin Aneesh,
for Mr.S.Palani Velayutham
For R1 to R3 : Mr.J.Ashok,
Additional Government Pleader
For R4 : Mr.K.Mandela Anand,
for Mr.S.Kumar
For R5 : Not ready in notice
For R6 : Mr.M.Gururaj

ORDER

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

The relief sought for in the present Writ Petition is to direct the respondents to remove the encroachments to the extent of 12640 sq.ft, which are

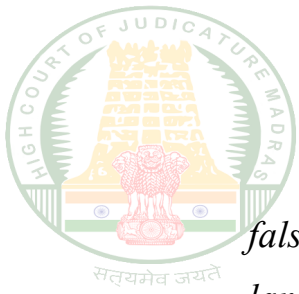


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left out for the common usage of general public and also to built up community hall, park, super market, small shop and common pathway in the property bearing Survey Nos.168(P), 169(M), 170, 171(P), 172, 173(P), 174(P) and 1B1 situated at Thanakkankulam Village, Madurai District in pursuance of the communication dated 28.03.2015 made in Na.Ka.No.2129/2015/G(C) issued from the office of the 3rd respondent forthwith.

2.The 4th respondent / Special Officer of the Housing Society filed counter affidavit, stating that there is no encroachment as such alleged by the petitioner. Paragraph No.5 of the counter reads as follows:-

“5.I deny the averments made in para 'd' that a group of political persons and their henchmen have conspired to grab the aforesaid road and took over the possession by encroachment and fabricated documents by giving fake plot numbers. I submit that till date no one is allowed to encroach on the road as alleged in the writ petition. As per lay-out the total extent of land in plot no.97 is 3634 but on earth is 4859 sq feet. So plot no.97 was divided in two as plot no.97 and 97A and on 06.03.1998 plot no.97 was sold to one Premavathi who is a member. Likewise plot No.97A was sold to the 5th respondent herein on 13.03.1998. As such they are in possession and enjoyment of the same and southern side of their plots 30 feet width East-West road is still existence and it is not in encroachment as



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falsely alleged in the writ petition. In between plot No.97 and 110 land belongs to 3rd party is there and he covered his land with fence including a road formed. So a space left out for road on the western side of the 3rd party land become unused. In order to avoid encroachment in the unused road and to get revenue, the 4th respondent has decided to sell it and accordingly, it was converted as plot No.110A and sold to one J.Loganathan, S/o.Jeyakodi on 26.02.2001. So it cannot be considered as encroachment.”

3.In view of the fact that there is no encroachment, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

**(S.M.S., J.) & (A.D.M.C., J.)
08.07.2025**

NCC : Yes / No
Index : Yes / No

Yuva

To

- 1.The District Collector,
Madurai District, Madurai-625 020.
- 2.The Block Development Officer (Village Panchayat),
Thirupparankundram Region,
Thirunagar, Madurai-625 006.

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3. The Deputy Head Quarters,
Tahsildar,
Thiruparankundram, Madurai.



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DR.A.D.MARIA CLETE, J.

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