



W.P.(MD)No.2945 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 27.02.2025

CORAM:

**THE HON'BLE MRS JUSTICE J. NISHA BANU
AND
THE HON'BLE MRS JUSTICE S.SRIMATHY**

W.P.(MD)No.2945 of 2025

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...Petitioner

-Vs-

1.The District Collector cum Monitoring Committee,
Madurai District, Madurai.

2.The District Revenue Officer,
Madurai District, Madurai.

3.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Madurai.

4.The Tahsildar,
Office of the East Taluk-Tashildar,
Madurai East, Madurai.

5.The Village Administrative Officer,
Andarkottaram, Chakkimangalam Bit.,
Madurai.

6.Muthukrishnan
7.Suseendhran

...Respondents



W.P.(MD)No.2945 of 2025

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 5 to consider the petitioner's representation dated 13.02.2024 and consequently direct the respondents 1 to 5 to remove the encroachment (including the 23 feet Gate put up by the Respondents 6 and 7) in the common pathway to the petitioner's land in R.S.No.2/1A1E1A Plot No.1 to 5 (measuring 10 cents totally with patta No.3) of Karuppapillaiyendal Village, North Registration Taluk, Madurai District within a stipulated time period in accordance with law.

For Petitioner	: Mr.C.Senthil Murugan
For R1 to R5	: Mrs.D.Farjana Ghoushia
	Special Government Pleader
	for Mr.S.RA.Ramachandran
	Additional Government Pleader

ORDER

(Order of the Court was made by **J.NISHA BANU, J.**)

This writ petition is filed seeking a direction to the official respondents to remove the encroachment made by the respondents 6 and 7 in the common pathway to the petitioner's land in R.S.No.2/1A1E1A Plot No.1 to 5 (measuring 10 cents totally with patta No.3) of Karuppapillaiyendal Village, North Registration Taluk, Madurai District.

2.The petitioner herein has purchased the property in R.S.No. 2/1A1E1A, Plot No.1 to 5 at Karuppapillaiyendal Village, North Registration



W.P.(MD)No.2945 of 2025

Taluk, Madurai District by way of a registered sale deed dated 18.11.2010.

While the petitioner went to survey the land in order to make changes in the revenue records, the sixth and seventh respondents are said to have obstructed the petitioner and the revenue officials from entering into the said land. Further, the sixth and seventh respondents are said to have put up a gate in the common pathway. The petitioner's representation in this regard to the revenue officials did not yield any response. Hence, the petitioner has filed this writ petition.

3.It is seen from the records that the property in question belongs to a private party. It is a settled position of law that encroachment on a private land cannot be sought to be removed by the State Authority. Hence, the relief sought for by the petitioner in this writ petition to remove the encroachment in the private property is not maintainable. Accordingly, this writ petition is **dismissed**. The petitioner is at liberty to redress her grievance before the appropriate forum, if so advised. No costs.

(J.N.B.,J.) (S.S.Y.,J.)
27.02.2025

Index : Yes/No
Internet : Yes/No
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