



W.P.(MD) No.3104 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.02.2025

CORAM:

THE HONOURABLE **DR.JUSTICE G.JAYACHANDRAN**

AND

THE HONOURABLE **MS.JUSTICE R.POORNIMA**

W.P.(MD)No.3104 of 2025

and

W.M.P.(MD)No.2167 of 2025

S.V.Murugesan

... Petitioner

-Vs-

1.The District Collector,  
Virudhunagar, Virudhunagar District.

2.The Revenue Divisional Officer,  
Sivakasi, Virudhunagar District.

3.The Tahsildar,  
Sivakasi, Virudhunagar District.

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned notice issued by the 3<sup>rd</sup> respondent in his proceeding in Na.Ka.A1/3/323/2024, dated 20.01.2025 and quash the same as illegal.



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For Petitioner : Mr.J.Jeyakumaran

For Respondents : Mr.M.Sarangan,

Additional Government Pleader

**ORDER**

**[Order of the Court was made by *G.JAYACHANDRAN, J.*]**

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2.The petitioner herein is a owner of a plot of an unapproved layout. The said layout was named as Nehruji Nagar. The southern portion of the unapproved layout earmarked as pathway is the point in dispute. The Revenue Tahsildar had issued the impugned notice under Section 7 of the Land Encroachment Act, 1905 to remove the encroachment made by the petitioner on the area earmarked as public street.

3.The State has taken action to remove the encroachment on the complaint given by one Sakthivelrajan, who is the resident of the Housing Board Colony (Gopuram Colony). Though the complainant has not been made as a party in this Writ Petition, he is represented through Mr.N.Dilip Kumar, learned counsel and placed the facts and the reason for the complaint.



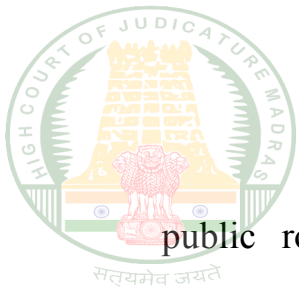
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4.The learned counsel appearing for the petitioner states that the boundaries of the property described in the sale deeds would clearly indicate that the disputed portion of the land belongs to the private land promoter, which was earmarked for the exclusive use of the plot owners in Nehruji Nagar and that cannot be made use by the adjacent land owners, who have purchased the plots from the Housing Board (Gopuram Colony).

5.The learned Additional Government Pleader appearing for the respondents would submit that the private land promoter has given the portion earmarked for public use to the local body and the local body has taken possession of the land and laid cement road as well as street lights and water supply pipes along the streets also laid in that portion. Adjacent to that public street on the southern portion, the Housing Board plots are located. By sub-division, S.No. 26/3B116 is now notified as public street. While so, the petitioner herein cannot have an exclusive right over the public pathway, which is identified as a street for public use.

6.The documents, including sale deeds relied upon by the petitioner clearly indicate that the subject land has always been identified as a common



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public road. The claim of exclusive right over the public road by the neighbouring plot owners is untenable and also illegal. Therefore, the impugned order issued by the 3<sup>rd</sup> respondent is in consonance with the provisions of law and the petitioner has no exclusive right over the public street. Therefore, any encroachment made by him, preventing other public by using the pathway, is illegal. Hence, the Court cannot come to aid of the petitioner, who is illegally occupying the public street.

7.This Writ Petition is dismissed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

**[G.J., J.] & [R.P., J.]**

**03.02.2025**

NCC : Yes / No

Index : Yes / No

*Yuva*

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Virudhunagar, Virudhungan District.

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**AND**

**R.POORNIMA, J.**

*Yuva*

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