

W.P.(MD)No.4954 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.03.2025

CORAM:

**THE HONOURABLE MRS. JUSTICE J. NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

W.P.(MD)No.4954 of 2025

A.Karthik

... Petitioner

Vs.

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

2.The Revenue Divisional Officer,
Melur Division,
Madurai District.

3.The Tahsildar,
Madurai East Taluk,
Madurai District.

4.Sugumar

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a ***Writ of Mandamus***, to direct the respondents 1 and 3 herein to take immediate action to remove the illegal encroachment put up by 4th respondent in the above said area situated in S.No.186/27, Kali Kaappan 2nd Bit, Madurai District, on the basis of the petitioner's representation, dated 24.01.2025, within the stipulated time by this Court.

For Petitioner
For R1 to R3

: Mr.K.Krishnaperumal
: Mr.J.Ashok
Government Advocate



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ORDER

(Order of the Court was delivered by **S.SRIMATHY, J.**)

The present writ petition is filed for Writ of ***Mandamus***, to direct the respondents 1 and 3 herein to take immediate action to remove the illegal encroachment put up by 4th respondent in the above said area situated in S.No. 186/27, Kali Kaappan 2nd Bit, Madurai District, on the basis of the petitioner's representation, dated 24.01.2025, within the stipulated time by this Court.

2.The petitioner's mother Aaravalli and the petitioner were in continuous possession of a residential plot in S.No.186/9, Kali Kaappan 2nd Bit, Madurai District for 30 years and patta was issued in the petitioner's mother's name under the Natham Settlement Scheme and a conditional patta was granted in the name of the petitioner in the year 2022. Based on the said patta, they are in peaceful enjoyment of the property. The contention of the petitioner is that there is a pathway on the southern side of the said property, which is the only access to the petitioner's property. The contention of the petitioner is that the 4th respondent Sugumar has encroached upon this pathway and has constructed a compound wall, thereby, obstructing the access to the residence. In spite of repeated requests, the 4th respondent refused to remove the illegal encroachment, thereby, forcing the



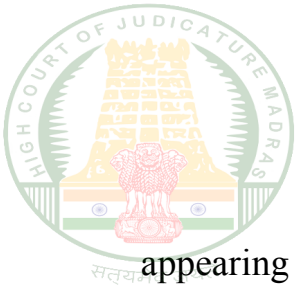
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petitioner to use the alternative eastern route but the said route is through a private land belonging to one Mr.Andichamy. At present, the said temporary road is also blocked, since the said Andichamy is putting up construction.

3. In January, 2023, when the petitioner's father died, he was compelled to seek permission from the private land owner to transport the death body for the final rites due to the block of the pathway. Hence, the petitioner had submitted a representation, dated 26.10.2024, to the respondents 1 to 3, but no action was taken by the respondents, hence the petitioner had filed W.P.(MD)No.1469 of 2023 and the same was dismissed as withdrawn on 22.01.2025. The said petition was withdrawn, since proper survey number was not mentioned. Thereafter, on 24.01.2025, the petitioner submitted a fresh representation explaining the situation and seeking urgent intervention. Hence, the present writ petition is filed.

4. On instructions, the Learned Government Advocate appearing for respondents 1 to 3 submitted that on the southern side of Survey No.186/9, the disputed Survey No.186/27 is situated and as per village accounts, it is not stated as “pathway” but it is stated as “vacant house site”.

5. Recording the submission of learned Government Advocate



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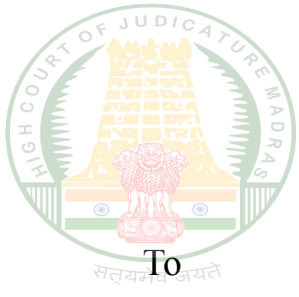
appearing for respondents 1 to 3, this Court is of the considered opinion that the said Survey No.186/27 is only a housing site and not a pathway. Therefore, the petitioner is not entitled to exclusive pathway.

6. With the above said observations, the writ petition is dismissed. No costs.

[J.N.B., J.] [S.S.Y., J.]
03.03.2025

Index : Yes / No

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