

W.A.(MD)No.780 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.04.2025

CORAM:

THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

AND

THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

W.A.(MD)No.780 of 2025

and

C.M.P.(MD)No.5286 of 2025

Muthulakshmi

... Appellant

-Vs-

1.The District Collector,
Ramanathapuram District.

2.The Tahsildar,
Paramakudi Taluk,
Ramanathapuram District.

3.Thamaraikani

4.K.Gurusamy

5.A.Murugan

6.A.Devarajan

7.A.Periyaswamy @ Karthi

8.Govindammal

... Respondents

PRAYER: Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 18.11.2024 made in W.P.(MD)No.30803 of 2023 on the file of this Court.



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For Appellant : Mr.R.Balakrishnan

For R1 & R2 : Mrs.D.Farjana Ghouseia,
Special Government Pleader

R4 & R5 : Mr.M.Kannan

JUDGMENT

[Judgment of the Court was delivered by *S.SRIMATHY, J.*]

This Writ Appeal is filed by the writ petitioner against the order dated 18.11.2024 passed in W.P.(MD)No.30803 of 2023.

2.The Writ Petition was filed to direct the respondents 1 and 2 to take necessary action against the respondents 3 and 8 for their illegal activity and to forbear the respondents 3 to 8 from laying road in the writ petitioner's property in S.F.No.93/4E2, Kamuthakudi Village, Paramakudi Taluk, Ramanathapuram District, based on the decree and judgment in O.S.No.173 of 2004 on the file of the District Munsif Court, Paramakudi.

3.The Writ Court, after hearing both sides, dismissed the said Writ Petition, based on the decree obtained by the writ petitioner's vendor in O.S.No.173 of 2004, wherein the decree was granted for only one cent alone. Challenging the same writ petitioner has filed this Writ Appeal.

4.Heard the learned counsel on either side and perused the materials available on record. This Court directed the Tahsildar to ascertain the correct



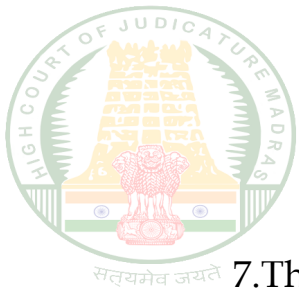
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position and submit a report before this Court. The Tahsildar had submitted the
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report. The said report is also perused.

5.As per the decree and judgment granted in O.S.No.173 of 2004 on the file of the District Munsif Court, Paramakudi, the petitioner's vendor was entitled to declaration and injunction to the land in S.No.93/4E1 measuring 7.1/2 cents. As far as the land in S.No.93/4E2 is concerned, the petitioner's vendor was entitled to declaration and injunction to one cent of land alone. When the declaration and injunction was sought for two cents of land, declaration and injunction was granted for one cent of land alone.

6.The contention of the appellant is that the respondents are laying road on their property, which is covered under the decree in O.S.No.173 of 2004. But the contention of the respondents is that as per decree the one cent was left out and in the remaining only the respondents had laid the road. In fact, the Writ Court had recorded the same, which is extracted hereunder:

*"5.... However, the petitioner had purchased the property admeasuring 2 cents comprised in S.F.No.93/4E2 situated at Kamuthakudi Village, Paramakudi Taluk, Ramanathapuram District. Further, the road has already been laid and **the land in which the decree was granted is left out** and in the remaining land, laid the road. Therefore, the petitioner has no right or title over the property in which now the road has been laid by the respondents."*



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7. Therefore, this Court is of the considered opinion that the appellant is having right over the land in S.No.93/4E2 to an extent of **one cent alone** as per the decree in O.S.No.173 of 2004 and the respondents are restrained from using the said one cent belonging to the appellant. If the road is laid after leaving the said one cent belonging to the appellant, then the appellant is not entitled to any relief.

(*)8. With the above said observations, the Writ Appeal is disposed of.

No costs. Connected Miscellaneous Petition is closed.

Sd/-

23.04.2025

(*)Substituted as per order of this Court dated 13/08/2025 made in WA(MD)No. 780of 2025

Sd/-

Assistant Registrar (CS III)

// True Copy //

/08/2025

Sub Assistant Registrar
(CS- I/ II / III / IV)

Yuva

To:-

(*)To be substituted to the order already despatched on 23/06/2025

1.The District Collector,
Ramanathapuram District.



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2.The Tahsildar,
Paramakudi Taluk,
Ramanathapuram District.

+1 CC to M/s.M.KANNAN, Advocate (SR-27605[F] dated 25/04/2025)

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AVK/19.06.2025 5P/4C

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