



W.P.(MD)No.12760 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.04.2025

CORAM:

THE HON'BLE MRS JUSTICE J. NISHA BANU

AND

THE HON'BLE MRS JUSTICE S.SRIMATHY

W.P.(MD)No.12760 of 2025

and

W.M.P.(MD)No.9211 of 2025

E.Jeyakunmar

...Petitioner

-Vs-

- 1.The District Collector,
Collectorate Buildings,
Dindigul, Dindigul District-624 004.
- 2.The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Kodaikanal-624 101, Dindigul District.
- 3.The Tahsildar,
Kodaikanal Taluk,
Kodaikanal-624 101,
Dindigul District.
- 4.The Divisional Engineer,
Highways, C& M Wing,
9*9J, Pandian Nagar,
Nehruji Nagar-624 001,
Dindigul.



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5.The Assistant Divisional Engineer,
Highways, Moonjikkal, Kodaikanal-624 101,
Dindigul District.

6.The Assistant Engineer,
Highways, Moonjikkal,
Kodaikanal-624 101,
Dindigul District.

...Respondents

PRAYER:Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents 4 to 6 to remove the shed constructed on the road margin as well as in the property of the petitioner in S.No.27/3A1B situated at in Adukkam Village, Kodaikanal Taluk, Dindigul District within the time period stipulated by this Court.

For Petitioner : Mr.M.Mahaboob Fazil
M/s.Roy and Roy Associates
For Respondents : Mr.J.Ashok
Additional Government Pleader

ORDER

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

By consent, this writ petition is taken up for final disposals at the admission stage itself.

2.Mr.J.Ashok, learned Additional Government Pleader takes notice for the respondents.



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3. The brief facts of the case are as follows:-

3.1. The petitioner herein is the absolute owner of the subject property situated at old re-survey No.16/2, sub division survey No.16/2B1A, new re-survey No. 16/96 to an extent of 0.12.15 hectares equaling to 30 cents and in old re-survey No.27/3, sub division survey No.27/3B, new re-survey No.27/3A1B to an extent of 0.088 hectares equaling to 2 cents in patta No.1096 in Adukkam Village, Kodaikannal Taluk, Dindigul District, totaling 32 cents.

3.2. Originally the above said property and a larger extent was belonging to American Board of Commissioner for Foreign Mission, who sold the property to one Ananda Rao, under the Deed of Sale, dated 08.11.1946 and registered as document No.3609 of 1946 in the office of Registrar of Madras, Chengalpet. After the demise of Ananda Rao, as per the Will dated 15.04.1956 executed by him, the property devolved upon his three daughters, who sold the said property to M/s Atlas Estates Pvt.Ltd. In turn, the property was sold by M/s Atlas Estates Pvt.Ltd. to the petitioner herein on 20.11.2015 and 23.10.2018. From the said dates of purchase, the petitioner is in peaceful possession of the subject property, totaling 32 cents, by paying kist and other land taxes to the Government.



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WEB COPY 3.3. The grievance of the petitioner is that the Kodaikanal - Madurai

Highway Road is situated on the northern boundary, which is the only ingress and egress way for the petitioner's property of 32 cents. That being so, the Highway Authorities have constructed a shed obstructing the free access to the petitioner's property on the center portion of road margin and also in the portion of the petitioner's patta land. Even when a survey was conducted by the Revenue Authorities, after giving due notice to the Highway Authorities, the Revenue Authorities have reported that the shed is constructed by encroaching a portion of the petitioner's land. Aggrieved by the act of Highway Authorities, the petitioner made a representation dated 09.05.2024 to the respondents to take appropriate steps to remove the shed constructed by the Highway Authorities. On 30.01.2025, a reminder representation was also made by the petitioner to the respondents. Till date, no action has been taken by the respondents. Hence, the present writ petition has been filed by the petitioner.

4. Heard the learned counsel for the petitioner and perused the materials placed before this Court.



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5. Perusal of records would reveal that the issue raised in this writ petition, is with regard to the title of the property in question, which has to be agitated only before the competent civil forum. Therefore, the parties concerned, namely, the petitioner as well as the respondents 2 to 6, and all other interested parties, if any, are at liberty to move before the Civil Court for resolving the title disputes with regard to the property in question.

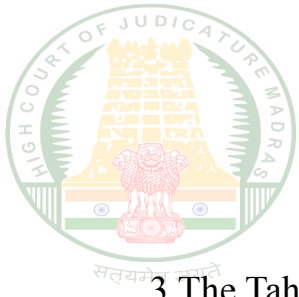
6. In view of the above observations made, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(J.N.B.,J.) (S.S.Y.,J.)
29.04.2025

Index:Yes/No
Internet : Yes/No
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