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W.P.(MD)NO.15351 OF 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MRS.JUSTICE R.KALAIMATHI

W.P.(MD)No.15351 of 2020

Sabaratinam

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by the Secretary to Government,
Municipal Administration and
Water Supply Department,
Fort St. George,
Chennai – 600 009.

2. The Commissioner,
Municipal Administration,
Ezhelagam, Kamarajar Salai,
Chepauk,
Chennai – 600 005.

3. The Commissioner,
Trichy Corporation,
Trichy.

4. The Executive Engineer(Planning),
Tiruchirapalli Corporation,
Trichy.

... Respondents



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Prayer: Writ petition filed under Article 226 of the Constitution of India, directing the respondents 1 and 2 to initiate an appropriate action to remove the encroachment by way of establishing the garden by the third respondent bearing old survey No.131 and new T.S.No.1 situated at Royal Road, Cantonment, Trichy District bounded by North by: Lawson's Road, Alexandria Road in Ward AB Block 4, West by : Ward AB, Block 16 and Ward AB, Block 25, East by : T.S.Nos.3, 2, 18/1, 19, 20/2, 21/2, 21/3B, 21/5A, 21/5B, 18/3, 23, 25 & 26 all in Ward AB Block 17 and South by : Ward G, Block 23 within the time stipulated by this Court and further ensure that there shall not be any encroachment on the subject matter of the Royal Road by anybody except for development of the road as stipulated by the Act.

For Petitioner : Mr.S.Doraisamy

For Respondents : Mr.S.Saji Bino,
Special Government Pleader for R-1 & R-2.

Mr.R.Baskaran,
Senior counsel,
for M/s.R.B.Associates for R-3 & R-4.

* * *

J U D G M E N T

Heard both sides.



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2. The prayer in the writ petition is that the respondents 1 and 2 must take action for removing the park put up by the third respondent / local body.

3. The learned counsel appearing for the writ petitioner is right in his contention that as per the revenue record, the western boundary has been classified only as road. But then, it appears that it was full of encroachment. After the encroachments were cleared in 1990s, a park was put up. The park was handed over to a hospital for maintenance. Subsequently, the local body itself took over the same and it has been beautified.

4. This writ petition was filed only in October 2020. The park was established in 1994. The learned counsel for the writ petitioner states that the petitioner who is a senior citizen does not have any right of access to his house that is located on the eastern side of the park. The stand of the respondents is that the writ petitioner is very much having the right to access on the southern side. Several disputed facts have arisen for consideration. They cannot be decided



in the writ proceedings. We therefore grant liberty to the writ petitioner to move the jurisdictional civil Court for appropriate relief including the easementary relief. This writ petition stands disposed of. No costs.

(G.R.SWAMINATHAN, J.) & (R.KALAIMATHI, J.)
16th December 2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

PMU

To:

1. The Secretary to Government,
Municipal Administration and
Water Supply Department,
Fort St. George,
Chennai – 600 009.
2. The Commissioner,
Municipal Administration,
Ezhelagam, Kamarajar Salai,
Chepauk,
Chennai – 600 005.



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AND

R.KALAIMATHI, J.

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