



W.P.(MD) No.15913 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2025

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THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.(MD)No.15913 of 2023

and

WMP(MD)No.13334 of 2023

K. Theivendran

... Petitioner

Vs

1. The District Collector
Madurai District, Madurai

2. The Commissioner
Usilampatti Panchayat Union,
Usilampatti.

3. The President
Meickilarpatti Panchayat
Meickilarpatti Post,
Usilampatti, Madurai District

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondents from constructing open sewage channel in the petitioner's patta land comprised in S.No.22/1A1B, Chikkampatti Village, Meickilarpatti Village, Usilampatti Taluk, Madurai District

For Petitioner
For Respondents

: Mr.R.Muralai
: Mrs.K.Malathi
Additional Government Pleader



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ORDER

The prayer in the writ petition is to forbear the respondents from constructing open sewage channel in the petitioner's patta land comprised in S.No.22/1A1B, Chikkampatti Village, Meickilarpatti Village, Usilampatti Taluk, Madurai District

2. The learned counsel appearing for the petitioner claims that the subject property was originally purchased by his mother and after her demise he has been in possession and enjoyment of the same, therefore in such circumstances the third respondent without any right is trying to construct a open sewage channel in the subject land. Objecting the construction of open sewage channel in the petitioner's patta land he submitted a representation dated 24.05.2023 to the respondents herein, however the same does not evoke any response, hence the writ petition.

3. The learned Additional Government Pleader appearing for the respondents on instructions would submit that the subject land is not a patta land as claimed by the petitioner and infact it has classified in the revenue records as public pathway and the same has been used as such



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for several years, therefore the respondents have every right to construct open sewage channel in the subject land and the above contentions of the petitioner ought to be rejected.

4. At the outset it is to be noted that whether the subject land is a private patta land or public pathway the same cannot be decided in writ jurisdiction under Article 226 of the Constitution of India. All those issues are disputed question of facts and the same has to be decided only by the appropriate civil court. Therefore the petitioner are at liberty to approach the appropriate forum and work out his remedy in accordance with law. Granting such liberty this Writ Petition is dismissed. There shall be no order as to costs. Consequently connected miscellaneous petition stands closed.

16.12.2025

Index : Yes/No
Internet: Yes/No
Neutral Citation: Yes/No
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To

1. The District Collector
Madurai District, Madurai

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KRISHNAN RAMASAMY, J.

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