



W.P(MD)No.19231 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.07.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.P(MD)No.19231 of 2020

M.Mahalingam

... Petitioner

VS.

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Revenue Divisional Officer,
Palayamkottai,
Tirunelveli.
- 3.The Tahsildar,
Palayamkottai Taluka,
Tirunelveli District.
- 4.The Commissioner and Special Officer,
Tirunelveli Municipal Corporation,
Tirunelveli.



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5. The Member Secretary,
Tirunelveli Local Planning Authority,
Xavier Colony, South Bye Pass Road,
Tirunelveli – 627 005.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 and 4 most particularly 4th respondent to discharge or relinquish and handover the petitioner's land at Keelargavapuram Survey Nos.7/2 and 7/6 present Ward AK Block 6 T.S.No.12/2, 3 Tirunelveli Municipal Corporation to the extent of 9.58 cents which are acquired without due process of law or proper land acquisition on the strength of the petitioner's representation dated 27.10.2020 according to law.

For Petitioner : Mr.V.Sasikumar

For RR 1 to 3 & 5 : Mr.P.Thilak Kumar
Government Pleader

For R – 4 : Mr.S.P.Maharajan
Special Government Pleader

ORDER

(Order of the Court was made by S.M.SUBRAMANIAM, J.)

The relief sought for in the present Writ Petition is to direct the respondents 1 and 4, particularly the fourth respondent to discharge,



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relinquish and hand over the petitioner's land situated at Keelargavapuram, Survey Nos.7/2 and 7/6 presently Ward AK Block 6, T.S.No.12/2, 3 Tirunelveli Municipal Corporation to the extent of 9.58 cents, which has allegedly been acquired without due process of law or proper land acquisition proceedings, based on the petitioner's representation dated 27.10.2020, in accordance with law.

2.The learned counsel appearing for the petitioner submitted that the subject property belongs to him and without initiating any land acquisition proceedings, the authorities have converted his property into a public road and therefore, he seeks appropriate directions to restore possession of the land.

3.The learned Special Government Pleader appearing for the fourth respondent opposed by stating that the subject property has been used a public road for the past 25 years and hence, the petitioner has not established any ownership rights.

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4. Even in a case involving a claim of title, the petitioner has to approach the competent civil Court of law. A writ Court cannot adjudicate disputed questions of fact. As far as the present position is concerned, the road is a public road and being used by the public at large for several years. Therefore, the relief as such sought for in this Writ Petition cannot be granted.

5. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs.

[S.M.S.,J.] & [A.D.M.C.,J.]
23.07.2025
(2/2)

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



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and
DR.A.D.MARIA CLETE, J.

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ORDER MADE IN
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