



W.P.(MD) No.18986 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.08.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

W.P.(MD) No.18986 of 2025

D.Kumar

... Petitioner

-VS-

1.The District Collector
Theni, Theni District

2.The Revenue Divisional Officer
Uthamapalayam
Theni District

3.The Tahsildar
Uthamapalayam
Theni District

4.The Executive Officer
Kombai Panchayat
Uthamapalayam Taluk
Theni District

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents to remove the encroachment from Pathenettam Kalvai to Pothu Kombai (Mukkodai Salai), Uthamapalayam Taluk, Theni District and by considering the petitioner's representation dated 30.05.2025 within the period that may be stipulated by this Court.

For Petitioner : Mr.V.Karthik Raja
for M/s.Ajmal Associates

For Respondents : Mr.V.Om Prakash
Government Advocate

ORDER

[Order of the Court was made by G.ARUL MURUGAN, J.]

Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

2. This writ petition is filed seeking a direction to the respondents to remove the encroachments from Pathenettam Kalvai to Pothu Kombai (Mukkodai Salai), Uthamapalayam Taluk, Theni District, in view of the representation dated 30.05.2025 submitted by the petitioner, within a time frame as fixed by this Court.



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3. It is the grievance of the petitioner that encroachments are made in the public road and in spite of a complaint being given, the officials have not acted upon on the complaint and the encroachments have not been removed. Since the complaint given by the petitioner was not acceded to, he has come up with this writ petition.

4. The Tahsildar / third respondent, on conducting an inspection along with the Surveyor, has filed a status report dated 25.07.2025. As per the status report, an inspection was conducted in the subject land and in the inspection, no encroachment was found in the subject land as claimed by the petitioner. Paragraph Nos.4 & 5 of the status report read as under:

“4.I respectfully submit that the subject mentioned land is in existence in S.No.2111, 2764 and 2112 of Kombai East Village, uthamapalayam Taluk, Theni District. In pursuant to the above direction issued by this Hon'ble Court myself along with Village Administrative Officer, Firka Maintenance Surveyor and the 4th respondent has conducted survey on 24.07.2025 and it was found no encroachments in the subject mentioned lands as alleged by the petitioner herein. The revenue records in so far as S.No.2111 is concern is



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classified as Cart track pathway in the settlement register and during implementation of UDR the revenue records were classified as Odai (waterbody), the S.No. 2112 and 2764 are classified as pathway in the revenue records.

5. I respectfully submit that there is no encroachment made in the above mentioned lands as mentioned by the petitioner herein and it is not out of place to mention that earlier one Krishnamoorthy in W.P. (MD) No.18992 of 2025 before this Hon'ble Court in Special Bench for Water body filed writ petition for similar kind of prayer and to restrain the laying of Thar road by the 4th respondent in the subject mentioned lands in S.No.2111. The said writ petition came up for hearing on 17.07.2025 and this Hon'ble Court has granted interim injunction considering that the S.No. 2111 is a water body, but, the SLR register of the said lands are classified as cart track pathway and not as waterbody. The said discrepancy made in the revenue record during the implementation of UDR. Hence, now the 4th respondent is taking steps to vacate the Interim injunction granted in the above writ petition.”

5. In view of the assertion made by the respondents that there is



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no encroachment in the subject land, as alleged by the petitioner, the relief as such sought for in this writ petition cannot be granted.

6. Accordingly, this writ petition is dismissed. No costs.

[S.M.S., J.]

[G.A.M., J.]

14.08.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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Uthamapalayam,
Theni District.

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