



W.P.(MD) No.11687 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.09.2025

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.11687 of 2018

and

W.M.P(MD)No.10634 of 2018

C.Srinivasan

.. Petitioner

Vs.

1.The Commissioner,
Tirunelveli Municipal Corporation,
Tirunelveli.

2.The Assistant Commissioner,
Palayamkottai Region,
Tirunelveli Municipal Corporation,
Tirunelveli.

3.Assistant Executive Engineer,
Palayamkottai Region,
Tirunelveli Municipal Corporation,
Tirunelveli.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, forbearing the respondents from in any way making any construction in the petitioner's property in Sy.No.338/1 of Vijayaraghava Mudaliar Chathram village, Palayamkottai Taluk, Tirunelveli District without following the due process of law by



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considering the representation of the petitioner dated 25-05-2018.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.Aayiram K.Selvakumar

ORDER

This writ petition is filed for the following relief:

“forbearing the respondents from in any way making any construction in the petitioner's property in Sy.No.338/1 of Vijayaraghava Mudaliar Chathram village, Palayamkottai Taluk, Tirunelveli District without following the due process of law by considering the representation of the petitioner dated 25-05-2018.”

2. The case of the petitioner is that the petitioner's father and his brother one Vaikundaraman were in possession and enjoyment of the property in S.No.338/1 at Vijayaraghava Mudaliar Chathram Village, Palayamkottai Taluk, Tirunelveli District. The patta also stands in their name. The petitioner's father had executed a Will dated 31.10.2002 with regard to the said property in his favour. After the demise of his father, the said property devolved around the petitioner and he was in



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possession and enjoyment of the same. Since the petitioner was not there and the said property was not fenced, the respondents utilizing the same, had encroached the same by extending the road into the property and had also dug inside the property for erecting traffic island with traffic signal poles. He would submit that 'A' register also states the same as vacant land. Without issuing any notice, the respondents had encroached the said property. Aggrieved by the same, he sent a legal notice on 21.05.2018 and also gave a representation to the respondents on 22.05.2018 in person along with patta and 'A' register. Without considering the same, the respondents continued the work. Hence, the petitioner had sent another representation on 25.05.2018 seeking to halt the ongoing construction activity. Since there was no avail, the petitioner is before this Court.

3. Heard the learned counsels on either side.

4. Without going into the merits of the case, this Court directs the respondents to consider the petitioner's representations dated 25.05.2018



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and pass orders, in accordance with law, within a period of one month from the date of receipt of copy of this order, after giving him an opportunity of personal hearing. Till such time, the extension of the road shall not take place.

5. With the above direction, this Writ Petition stands disposed of.

No costs. Consequently, connected Miscellaneous Petition is closed.

22.09.2025

NCC : Yes/No

Index : Yes/No

Internet : Yes

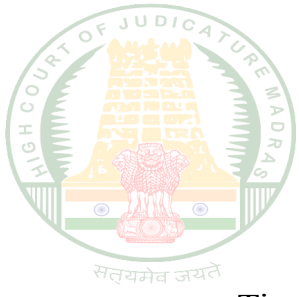
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To

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Tirunelveli.

2. The Assistant Commissioner,
Palayamkottai Region,
Tirunelveli Municipal Corporation,
Tirunelveli.

3. Assistant Executive Engineer,
Palayamkottai Region,
Tirunelveli Municipal Corporation,



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P.T.ASHA, J.

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