



W.P.(MD)Nos.22490 & 22491 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.(MD)Nos.22490 & 22491 of 2025

and

W.M.P(MD)No.17603 & 17602 of 2025

W.P(MD)No.22490 of 2025

A.Thirumoorthy

... Petitioner

-Vs-

1.The Commissioner,
Madurai Corporation,
Madurai.

2.The Assistant Commissioner,
Zone No.V, Madurai Corporation,
Madurai.

3.Navaneethakrishnan

4.Sivanandham

... Respondents



W.P.(MD)Nos.22490 & 22491 of 2025

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned execution order vide No.LD5F1/002252/2024 dated 28.07.2025 passed by the second respondent and to quash the same as illegal.

For Petitioner : Mr.A.Raja
For R1 & R2 : Mr.K.K.Kannan
For R3 & R4 : Mr.C.Gangai Amaran

W.P(MD)No.22491 of 2025

N.Marisamy

... Petitioner

-Vs-

1.The Commissioner,
Madurai Corporation,
Madurai.

2.The Assistant Commissioner,
Zone No.V, (West)
Madurai Corporation,
Madurai.

3.Navaneethakrishnan

4.Sivanandham

... Respondents



W.P.(MD)Nos.22490 & 22491 of 2025

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned execution order vide No.105F1/002252/2024 dated 28.07.2025 passed by the second respondent and to quash the same as illegal.

For Petitioner : Mr.A.Raja
For R1 & R2 : Mr.K.K.Kannan
For R3 & R4 : Mr.C.Gangai Amaran

COMMON ORDER

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

The enforcement orders dated 28.07.2025 passed by the Assistant Commissioner, Madurai Corporation for removal of encroachment in the public pathway are under challenge in these writ petitions.

2. The Madurai Corporation authorities conducted a survey based on the complaint in the presence of the petitioners on 15.05.2025. Even before conducting survey, a show cause notice was issued to the petitioners on 18.02.2025. By providing opportunity to the petitioners, survey was conducted and the authorities identified encroachments in the public pathway. Thus, enforcement actions are taken and final orders have been passed.



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3. In respect of the said public pathway some other owners have filed a civil suit long before and the said suit was dismissed. Aggrieved against the said judgement and decree, first appeal filed by those persons is also dismissed.

4. The learned counsel for the petitioners made an attempt to establish the civil rights of the petitioners in the writ petitions which cannot be entertained under Article 226 of the Constitution of India. If at all the petitioners claims any civil right, they have to approach the competent Civil Court for adjudication in the manner known to law and the High Court cannot conduct a roving enquiry or decide the disputed facts of civil in nature.

5. As far as the Madurai Corporation is concerned, they have complied with the provisions of the statute by affording an opportunity to the encroachers in the pathway and passed the final orders. That being so, this Court is not inclined to entertain the writ petitions. The corporation authorities shall complete the enforcement actions as expeditiously as possible.



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6. In view of the above observations, the writ petitions are dismissed.

No costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S., J.) & (G.A.M., J.)
18.08.2025

NCC : Yes / No

Index : Yes / No

am

To

1.The Commissioner,
Madurai Corporation,
Madurai.

2.The Assistant Commissioner,
Zone No.V, Madurai Corporation,
Madurai.



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S.M.SUBRAMANIAM, J.
AND
G.ARUL MURUGAN, J.
am

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18.08.2025