



W.P.(MD)No.22026 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.(MD)No.22026 of 2025

and

W.M.P.(MD)No.17128 of 2025

A.Kumaresan

... Petitioner

-Vs-

- 1.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 2.The District Revenue Officer,
District Revenue Office,
Ramanathapuram.
- 3.The Revenue Divisional Officer,
Revenue Divisional Office,
Paramakudi, Ramanathapuram District.
- 4.The Tahsildar,
Taluk Office, Paramakudi,
Ramanathapuram District.



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5.The Municipal Commissioner,
Paramakudi Municipality,
Ramanathapuram District.

6.R.Prasath

7.R.Jothisri Ranganath

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 3rd respondent in Moo.Mu.(P2)/1392/2025, dated 30.05.2025 and quash the same and consequently, to direct the 3rd respondent to conduct fresh enquiry and pass orders within the time frame may be stipulated by this Court.

For Petitioner : Mr.B.Ashok Kumar

For R1 to R4 : Mr.P.Thilak Kumar,
Government Pleader

ORDER

(Order of the Court was made by **G.ARUL MURUGAN, J.**)

This Writ Petition has been instituted, challenging the order passed by the 3rd respondent dated 30.05.2025 and for consequential direction to conduct fresh enquiry and pass orders within the time frame that may be stipulated by this Court.



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2.The petitioner complains that the respondents 6 and 7 are in encroachment of the land in S.No.235/4B1, situated at Kattuparamakudi, Paramakudi Taluk, Ramanathapuram District and the land is earmarked as 'road'.

3.The 3rd respondent has conducted an enquiry and pursuant to the enquiry, detailed order has been passed on 30.05.2025, wherein it is stated that the land, in which the petitioner complains the encroachment, is situated in S.No.235/4B1 and as per the revenue records, the land stands in the name of the pattadharar. It is also to be noted that the patta has been issued in favour of the 6th respondent and others in respect of the land, which is in dispute. When the patta stands in the name of the private respondents, the relief sought for by the petitioner to remove the encroachment, claiming that it is a pathway, cannot be granted.

4.When, admittedly, the subject property is a private patta land, the remedy available to the petitioner is to approach the civil Court, if at all he has any easementary right over the same. The disputed facts cannot be adjudicated in the Writ Petition.



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5. With the above observation, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S., J.) & (G.A.M., J.)
12.08.2025

NCC : Yes / No
Index : Yes / No

Yuva

To

1. The District Collector,
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Ramanathapuram.
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