



W.P.(MD) No.24949 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.06.2025

CORAM:

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

W.P.(MD) No.24949 of 2022

S.Tharakeswari

... Petitioner

-VS-

1.The District Collector
Office of District Collector
Virudhunagar District
Virudhunagar

2.The Commissioner
Rajapalayam Corporation
Rajapalayam
Virudhunagar District

3.The Tahsidlar
Rajapalayam Taluk
Rajapalayam
Virudhunagar District

4.Kadothkajan

... 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 restore the pathway in Survey No.100, Ward No.17, North Street, Sevalpatti Street, Rajapalayam Taluk, Virudhunagar District, from the encroachment of the fourth respondent and maintain and protect the same for the public use without any hindrance by considering the petitioner's representation dated 13.10.2022 and for other such reliefs, within the period stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen

For Respondents : Mr.M.Sarangan
Additional Government Pleader for R1 & R3
Mr.N.Dilip Kumar for R2
Mr.Saravanan
for Mr.A.Sivaji for R4

ORDER

[Order of the Court was made by S.M.SUBRAMANIAM, J.]

The writ on hand has been instituted seeking a direction to the respondents to restore the pathway in Survey No.100, Ward No.17, North Street, Sevalpatti Street, Rajapalayam Taluk, Virudhunagar District, from the encroachment of the fourth respondent and maintain and protect the same for the public use without any hindrance by considering the petitioner's



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representation dated 13.10.2022 and for other such reliefs, within the period stipulated by this Court.

2. Admittedly, a civil suit has been instituted between the private parties. Pertinently, the revenue authorities were not made as party respondents in the civil suit. Therefore, the Civil Court's decree is not binding on the revenue authorities.

3. The Tahsildar, Rajapalayam, has filed a counter affidavit stating that he had inspected the disputed site on 09.11.2022 and submitted a report as follows:

“Ward F, Block No.3, T.S.No.11 measuring 0.0034.0 Squire Meter of Rajapalayam Town is classified as Government Poramboke General Pathway as per Supplementary Town Survey Record. During preliminary Town Survey, T.S.No.100 measuring 0.0034.0 Squire Meter is classified as Government Poramboke – Public Pathway – In the Adangal column the names of the following 3 individuals had been noted.

- 1.Sankarappa Naidu son of Krishnasamy Naidu*
- 2.Muthiah Naidu son of Chinna Thambi Naidu*
- 3.Krishnasamy Naidu son of Muthiah Naidu.*



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T.S.No.100, Re-survey No.267B/1 measuring 0.15.0 ares is classified as Grama Natham

Ward F, Block 3, T.S.No.100 was inspected along with Taluk Deputy Surveyor on 8.11.2022. On ground, T.S.100 south-north, on the eastern side 1.5 Meter has been locked by way of Iron Door, and maintained by respondent (4th respondent). At present, the petitioner is running from T.S.No.102 via T.S.No.100 to reach T.S.No. 98/1, 98/2 and 99/2. At present, the petitioner has filed the present writ petition to utilize the pathway in T.S.No.100 which was locked by the 4th respondent by Iron gate. During supplemental and Preliminary survey T.S.No.100 (locked by the 4th respondent by way of iron gate) is classified as Government Poramboke. “Copy of the report of Sub Inspector of Survey is placed in the Typed set.”

4. Further, the Tahsildar, in his counter in paragraph No.7, has stated as follows:

“7. ...The Sub Inspect of Survey, after inspection of the site has reported that during supplemental and Preliminary survey T.S.No.100 (locked by the 4th respondent by way of Iron gate) is classified as Government Poramboke. “Copy of the report of Sub



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Inspector of Survey is placed in the Typed set.”

5. In view of the above categorical finding made by the Tahsildar, after conducting a survey all appropriate actions are to be taken by following the procedures as contemplated under the relevant act and rules.

6. Since a survey has already been conducted, the Commissioner / second respondent is directed to initiate eviction proceedings based on the survey report and by following the procedures as contemplated under the relevant act and rules. Such an exercise shall be completed within a period of two weeks from the date of receipt of a copy of this order.

7. Accordingly, this writ petition is disposed of. No costs.

[S.M.S., J.]

[A.D.M.C., J.]

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

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To:

- 1.The District Collector,
Office of District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Tahsidlar,
Rajapalayam Taluk,
Rajapalayam,
Virudhunagar District.



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S.M.SUBRAMANIAM, J.
and
DR.A.D.MARIA CLETE, J.

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