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W.P.(MD)No.23834 of 2025 and Rev.Aplw(MD)No.217 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2025

CORAM:

**THE HONOURABLE DR.JUSTICE ANITA SUMANTH
AND**

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

**W.P.(MD)No.23834 of 2025
and Rev.Aplw(MD)No.217 of 2025**

1.W.P(MD)No.23834 of 2025:

K.Tamilselvan

... Petitioner

Vs.

1.The District Collector,
Theni District,
Theni.

2.The Tahsildar,
Uthamapalayam Taluk,
Theni District.

3.The Executive Officer,
C.Pudupatty Town Panchayat,
C.Pudupatty,
Uthamapalayam Taluk,
Theni District.

4.Murugan

... Respondents

1/7



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PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachment made by the 4th respondent in Old Survey No. 274, New Survey No.1141/14 situated at Gandhiji Lane, C.Pudupatty, Uthamapalayam Taluk, Theni District and consider the petitioner's representation dated 10.6.2025 within a time frame stipulated by this Court.

For Petitioner : Mr.K.Guhan

For Respondents : Mr.J.Ashok (R1 to R3)
Additional Government Pleader

2.Rev.Aplw(MD)No.217 of 2025:

Murugan ... Review Petitioner/4th Respondent

Vs.

1.K.Tamilselvan ... 1st Respondent/Writ Petitioner

2.The District Collector,
Theni District,
Theni.

3.The Tahsildar,
Uthamapalayam Taluk,
Theni District.

4.The Executive Officer,
C.Pudupatti Town Panchayat,
C.Pudupatti, Uthamapalayam Taluk,
Theni District. ... Respondents 2 to 4/Respondents 1 to 3



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PRAYER:- Review Application filed under Order 47 Rule 1 & 2 under Section 114 of CPC to review the order passed by this Court in W.P(MD)No.23834 of 2025 dated 16.09.2025 and allow the Writ Petition.

For Petitioner : Mr.A.Ananda Raja

For Respondents : Mr.K.Guhan (R1)

: Mr.J.Ashok (R2 to R4)
Additional Government Pleader

COMMON ORDER

(Order of the Court was made by **DR.ANITA SUMANTH, J.**)

W.P(MD)No.23834 of 2025 is listed today under the caption 'to report compliance'.

2.W.P(MD)No.23834 of 2025 was filed by K.Tamilselvan seeking a Mandamus directing the official respondents to remove the encroachment alleged to have been made by R4 in Old Survey No.274, New Survey No.1141/14, at Gandhiji Lane, C.Pudupatty, Uthamapalayam Taluk, Theni District.

3.The Writ Petition was disposed on 16.09.2025, recording the submission of Mr.Ashok, learned Additional Government Pleader that



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instructions had been issued to the official respondents to take action to remove the encroachment in terms of the provisions of the Tamil Nadu Urban Local Bodies Act, 1998, as the report filed by the Tahsildar, Uthamapalayam was categorical to the effect that R4/Murugan had encroached upon an extent of 0.00.29 square metres by erecting a wall and door in Survey No.1141/14, which property was reflected in the revenue records as a pathway/street.

4.Rev.Aplw(MD)No.217 of 2025 has been filed by Murugan, seeking review of order dated 16.09.2025 in W.P(MD)No.23834 of 2025 on the ground that it does not provide for adherence to the principles of natural justice.

5.Parallely, when the matter was taken up to record compliance of order dated 16.09.2025, we noted that the notice issued to Murugan did not even refer to the relevant statutory provision, and we had, directed listing of that matter today to ensure that proper proceedings are initiated.

6.Mr.Ashok, now circulates a copy of the notice dated 12.11.2025, which, according to him, is complete in all respects. A copy



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of that notice has been handed over to the learned counsel for review
petitioner as well as learned counsel for K.Tamilselvan.

7.Under the notice dated 12.11.2025, which makes reference to Section 128(2) of the Tamil Nadu Urban Local Bodies Act, 1998, 15 days time has been given to R4 to submit his response.

8. It is now for the noticee/R4 to make his submissions before the authorities and the authorities are directed to conclude the proceedings in accordance with law, after hearing the review petitioner, within a period of eight weeks from today.

9.Review Petition (MD)No.217 of 2025 stands closed. No further orders are required in W.P(MD)No.23834 of 2025. No costs.

[A.S.M.J.] & [C.K.J.]
13.11.2025

NCC :Yes/No
Index :Yes/No
Internet :Yes
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DR.ANITA SUMANTH, J.
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