



W.P.(MD)No.29403 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2025

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

W.P.(MD)No.29403 of 2025

D.Sampath Kannan,
S/o.Late.Duraichamy Naickar,
Door No. 2/95, East Street,
Kurichiyarpatti Village,
Kilavikulam Post,
Vembakkottai Taluk,
Virudhunagar District.

... Petitioner

Vs.

- 1.The District Collector/The Chairman,
District Monitoring Committee,
Virudhunagar District,
Virudhunagar.
- 2.The Assistant Director (Panchayat),
Having Office at Collectorate,
Virudhunagar,
Virudhunagar District.
- 3.The Tahsildar,
Vembakottai Taluk Office,
Vembakottai, Virudhunagar District.



W.P.(MD)No.29403 of 2025

- 4.The Block Development Officer,
Block Development Office,
Vembakkottai Panchayat Union,
Virudhunagar District.
- 5.The Special Officer/Block Development Officer,
Kuruchiyarpatti Village Panchayat,
Vembakkottai Panchayat Union,
Virudhunagar District.
- 6.The Deputy Director,
District Town and Country Planning,
Office at Collectorate Campus,
Virudhunagar District.
- 7.G.Muthumari,
W/o.A.Guruvandi @ Guruvaiya,
East Street, Kurichiyarpatti Village,
Kilavikulam Post,
Vembakkottai Taluk,
Virudhunagar District.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 6 to forbear the 7th respondent from constructing the unauthorized building in patta No.701, Survey No.606/11A, Kuruchiyarpatti Village, Killavikulam Post, Vembakkottai Taluk, Virudhunagar District and to demolish unauthorized construction by considering the petitioner's representation dated 29.09.2025.



W.P.(MD)No.29403 of 2025

For Petitioner : Mr.M.Solaisamy
For Respondents : Mr.D.Sadiq Raja (for R1 to R3 & R6)
Additional Government Pleader
: M.Sarangan (for R4 & R5)
Additional Government Pleader

ORDER

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

The petitioner prays for a mandamus directing the official respondents to forbear R7 from constructing an unauthorized building in patta No.701, Survey No.606/11A, Kuruchiarpatti Village, Killavikulam Post, Vembakkottai Taluk, Virudhunagar District ('property'/property in question') and to demolish the unauthorized construction.

2. The petitioner claims to be holding a patta along with his family members in respect of the property in question. He claims that there have been several attempts by R7 to encroach upon the property in respect of which, he has also filed police complaints. Since R7 continues to encroach upon the property and is also commencing, according to the petitioner, to put up unauthorized construction thereupon, he has approached this Court.



W.P.(MD)No.29403 of 2025

WEB COPY

3.Mr.D.Sadiq Raja, learned Additional Government Pleader accepts notice for the official respondents, and strenuously denies the allegations made in the present writ petition. He also assails the maintainability of the writ petition on the ground that there is absolutely no cause of action for the institution of the same. Drawing attention to the photographs that have been annexed, he points out that there is no construction which can be seen and hence the petitioner has made out no cause to maintain the writ petition.

4.Heard the detailed submissions of the parties.

5.We agree with the respondents that there is nothing to indicate that R7 has commenced construction of any nature. The photographs only indicate pile of bricks and hence it is anybody's guess as to whether R7 intends to effect any construction at all. There is some merit in the submission of the respondent that the present writ petition seems to espouse a private dispute inter se the parties, and that too one which is yet to transpire.

6.In light of the aforesaid, we are of the considered view that



W.P.(MD)No.29403 of 2025

the prayer is misconceived as well as premature and dismiss this writ petition. Needless to say, such dismissal will not stand in the way of the petitioner establishing new cause of action and taking remedial measures in regard to the same, in accordance with law. No costs.

[A.S.M.J.] & [C.K.J.]
17.10.2025

NCC :Yes/No
Index :Yes/No
Internet :Yes
vs/ps

To

- 1.The District Collector/The Chairman,
District Monitoring Committee,
Virudhunagar District,
Virudhunagar.
- 2.The Assistant Director (Panchayat),
Having Office at Collectorate,
Virudhunagar,
Virudhunagar District.
- 3.The Tahsildar,
Vembakottai Taluk Office,
Vembakottai, Virudhunagar District.

5/7



WEB COPY



W.P.(MD)No.29403 of 2025

- 4.The Block Development Officer,
Block Development Office,
Vembakkottai Panchayat Union,
Virudhunagar District.
- 5.The Special Officer/Block Development Officer,
Kuruchiyarpatti Village Panchayat,
Vembakkottai Panchayat Union,
Virudhunagar District.
- 6.The Deputy Director,
District Town and Country Planning,
Office at Collectorate Campus,
Virudhunagar District.



WEB COPY



W.P.(MD)No.29403 of 2025

DR.ANITA SUMANTH, J.
AND
C.KUMARAPPAN, J.

vs/ps

W.P.(MD)No.29403 of 2025

17.10.2025