



WP(MD). No.34820 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 01/12/2025

CORAM

The Hon`ble Mr.Justice KRISHNAN RAMASAMY

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1. P.Ganesan
S/o.Pitchaiyan
No.300 Keezhapatti
Thuvar Post
Gantharvakottai Taluk
Pudukottai District.

Petitioner(s)

Vs

1. The Revenue Divisional Officer,
Gantharvakottai Taluk
Pudukottai District.

2. The Tashildar
Gantharvakottai Taluk
Pudukottai District.

Respondent(s)

Prayer:Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents not to evict the petitioners lands in S.No.421/24 situated at Thuvar Village, Gantharvakottai Taluk, Pudukkottai District is to an extent of 0.18.5 Ares and consequently forbear the respondents from initiating any Coercive action against the petitioner without following due process of law within the time frame stipulated by this Court.



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For Petitioner : Mr.M.Mahaboob Fazil
For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

This writ petition has been filed for a mandamus to direct the respondents not to evict the petitioner's land in S.No.421/24 situated at Thuvar Village, Gantharvakottai Taluk, Pudukkottai District to an extent of 0.18.5 Ares and consequently forbear the respondents from initiating any coercive action against the petitioner without following due process of law.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents. By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

3. The case of the petitioner is that the petitioner and his family members are in possession and enjoyment of the land in S.No.421/24. However, the respondents are making an attempt to remove the possession of the petitioner without due process of law. It is stated that



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though the said survey number is classified as pathway, it is not in use for about 20 years and the petitioner is making an attempt to get patta for the said land. While so, the respondents are taking steps to evict the petitioner and therefore, the petitioner is before this Court.

4. The learned Special Government Pleader, on the other hand, would submit that the present S.No.421/24 is a pathway. Therefore, after surveying the property only, they would take steps and in any event, the said land is found to be a pathway and is encroached by the petitioner, they would take steps to remove the petitioner in accordance with law.

5. Considering the submissions made on either side, if the said survey number is a pathway and if it is in the occupation of the petitioner, on surveying the property and laying survey stones, the respondents are entitled to remove the encroachment. It is immaterial whether any application is pending before the authorities and even if an application is pending before the authorities for the purpose of patta for the pathway, the same may be issued based on the possession and title. When such being the case, the 2nd respondent is directed to measure the



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property in question and lay survey stones. After laying survey stones, if it is found that the petitioner is in occupation of the pathway or encroached the pathway, the respondents are at liberty to take steps in accordance with law. It is made clear that while measuring the said property, the respondents are directed to issue notice to the parties concerned.

6. With the above observation and direction, the writ petition is disposed of. No costs.

01.12.2025

RR

TO

1. The Revenue Divisional Officer,
Gantharvakottai Taluk
Pudukottai District.

2. The Tashildar
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KRISHNAN RAMASAMY, J

RR

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