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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-11-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE R.RAJESH VIVEKANANTHAN

WP No. 44794 of 2026

CNR:{HCMA012359252026}

Case QR

Miron Latha
D/o.Miron Selvaraj,
No.22, 1st Main Road,
4th Cross, Ezhil Nagar North,
Puducherry-605 003

..Petitioner(s)

Vs

1. The Chief Secretary to Government
   Government of Puducherry,
   Chief Secretariat, Puducherry-605 001.

2. The District Collector
   office of the District Collector,
   1st Floor, new Collectorate Building,
   Vazhudavur Road, Pettayanchattiram,
   Puducherry-609 009

3. The Sub Collector (Revenue North)
   Office of the Sub Collector (Revenue North)
   Puducherry.

4. The Tahsildar
   East Coast Road, Kottupalayam,
   Lawspet Post, Puducherry-605 008

5. The Commissioner
   Oulgaret Municipality,
   Puducherry.

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6. Bagyalakshmi
w/o.Ramesh Gupta
No.3, 3rd Cross Street,
Ezhil Nagar North, Puducherry-605 003

..Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for a writ of Mandamus directing the respondents 1 to 5 to forthwith conduct an accurate, joint re-survey of the properties and public pathway, rain water channel area comprised in R.S. Nos.250/4 and 250/1E, Saram Revenue Village, Oulgaret Taluk, Puducherry, with the assistance of senior survey officials and based on original revenue records, FMB sketches and sub-division files, consequently direct the 4th respondent to remove the illegally occupied of the 6th respondent measuring an extent of 951 sq.ft made by the 6th respondent on the public pathway, drainage course, rain water channel area and the offending water tanks causing dampness and restore the same for unhindered run-off and public use.

For Petitioner(s): Mr.R.Cyril Vivekanandan

For Respondent(s): Dr. B. Ramaswamy
Additional Government Pleader For R 1-5

Order

(Order of the Court was made by S.M.Subramaniam J.)

The present writ petition has been filed seeking a direction to the respondents to conduct a survey and remove the encroachment made by the 6th respondent in the public pathway.

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2. Learned counsel for the petitioner states that the petitioner is the absolute owner of the residential property bearing bearing R.S.Nos.250/4 and 250/1E, Saram Revenue Village, Oulgaret Taluk, Puducherry. On the northern and western side of the petitioner's property, a public pathway exists and the grievance of the petitioner is that there is encroachment causing flood during rainy season. The petitioner raised allegation against the 6th respondent one Mrs.Bagyalakshmi, who is the owner of the adjacent property. The petitioner on an earlier occasion, filed a complaint for removal of encroachment by conducting a survey. The Tahsildar-cum-Executive Magistrate conducted a field inspection, verified the documents produced between the parties and submitted a report to the Sub-Collector, Revenue North, Puducherry on 04.12.2024, marking a copy to the petitioner.

3. The said report of the Tahsildar clearly shows that the officials conducted field inspection and reported that the petitioner is residing in a residential property in an extent of 5400 sq.ft at R.S.No.250/1, Sara, Revenue Village, Puducherry. It is found that some waste materials were dumped in a vacant plot next to the petitioner’s house. The adjacent property in R.S.No.250/4 is now in the possession and enjoyment of the 6th respondent. She also had constructed a concrete building and she is the Pattadar. Therefore, the authorities found that there is no encroachment on the

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Government pathway. The complaint given by the petitioner that the Government Poramboke land has been encroached upon was found to be incorrect and the authorities arrived at a decision that it is a Patta land.

4. The petitioner has not challenged the said reply given by the authorities. Contrarily, she had given a fresh complaint after a lapse of one year. Again the authorities conducted field inspection and gave a reply to the petitioner on 14.05.2025 reiterating the fact that there is no encroachment and the subject land is a Patta land. The said proceedings also remains unchallenged. Pertinently, two different complaints given by the petitioner in the year 2024 and 2025 respectively wee taken into consideration and the competent authority conducted field inspection and found that there is no encroachment in the subject property. Though the petitioner accepted the reply given in the year 2024 and 2025, she again filed the present writ petition seeking a direction for conducting a fresh survey and to remove the encroachment. A perusal of the affidavit filed in support of the writ petition would show that on account of certain personal enmity or motive on the 6th respondent, the present writ petition came to be instituted. The petitioner having not challenged the earlier reply given by the authorities in the year 2024 and 2025, filing the present writ petition seeking a direction to conduct a fresh survey is not entertainable.

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5. This Court is of the considered view that, whenever a petition seeking removal of encroachment is filed, the person approaching the Court is expected to provide correct facts and by impleading the encroachers. If any writ petition is filed even on some presumptions and assumptions regarding encroachments, such writ petitions are to be dismissed in limine and if there is an ill motive has been established, then this Court will be forced to impose costs. The present writ petition is one such, where the petitioner has not challenged the two reply letters served on her in the year 2024 and 2025, but filed the present writ petition again for a direction.

6. In view of the above facts and circumstances, the present writ petition is dismissed with costs of Rs.10,000/- (Rupees Ten Thousand Only) to be paid to Tamil Nadu Advocate Clerks' Association, Indian Bank, High Court Branch, Account No. 484026006, IFSC Code: IDIB000M157 on or before 12.11.2026. Post the writ petition for reporting compliance on **13.11.2026.**

(S.M.S.,J.) (R.R.V.,J.)
03-11-2026

Index: Yes
Speaking/Non-speaking order
Neutral Citation: Yes/No
KST

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To

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