



WEB COPY

WP No. 49362 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-01-2026

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

WP No. 49362 of 2025

S.Amarajothi

..Petitioner

Vs

The Commisisoner,
Namakkal Municipal Corporation,
Office of the Municipal Corporation,
Tiruchengode Road, Namakkal.

..Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent herein to provide the basic amenities such as metalled road, drainage facilities, etc, treating the East-west 22 feet width layout road abetting on the western side of the petitioner's property situate in K.S.Karuppannan Nagar, Mohanur Road, Namakkal Town, comprised in Survey No.25/2B1, as it is public road which deemed to be vested with the Respondent by considering the petitioners representation dated 27.10.2025 in the light of the order dated 30.4.2021 passed by this Court in WA.Nos.340 of 360 of 2019 within the stipulated time.

For Petitioner:

Mr. S.Senthil

For Respondent:

Mr.M.Rajamathivanan
Standing Counsel



ORDER

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This Writ Petition has been filed seeking a direction to the respondents herein to provide the basic amenities such as metalled road, drainage facilities, etc, treating the East-west 22 feet width layout road abetting on the western side of the petitioner's property situated in K.S.Karuppannan Nagar, Mohanur Road, Namakkal Town, comprised in Survey No.25/2B1, as it is public road which deemed to be vested with the Respondent by considering the petitioner's representation dated 27.10.2025 in the light of the order dated 30.4.2021 passed by this Court in WA.No.340 of 360 of 2019 within the stipulated time.

2. Heard Mr.S.Senthil, learned counsel for the petitioner and Mr.M.Rajamathivanan, learned Standing Counsel for the respondent.

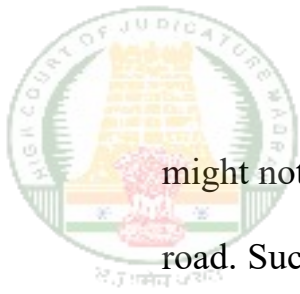
3. The petitioner came forward with the grievance that the respondent herein is not laying a road over S.No.25/2B1 of K.S.Karupannan Nagar, Mohanur Road, Namakkal Town. The petitioner pleaded that the road is a public road and the respondent is failing in their duty in not laying a road. Taking into consideration the plea of the writ petitioner that the property is being maintained without any development and causing nuisance to the public who are using the road, I called upon Mr.Rajamathivanan, learned Standing



Counsel to get instructions as to why Namakkal Municipality is not laying the road over the public pathway. Mr.Rajamathivanan, sought for time and I listed the matter today.

4. When the matter was taken up for hearing, Mr.Rajamathivanan has produced the plaint in O.S.No.605 of 2022 on the file of Principal Subordinate Judge at Namakkal. The suit has been filed by one Mr.S.Babu claiming that the property situated in S.Nos.25/1, 25/2 and 25/3 belongs to him by virtue of the compromise that had been entered into in O.S.No.165 of 1989, on the file of the Subordinate Judge at Namakkal. The plaint seeks an injunction restraining the Namakkal Municipality from laying a road over the property, which belongs to the plaintiff. Mr.Rajamathivanan states that when the civil suit is pending , especially one relating to title and in which an application is pending for grant of injunction, it will not be proper on the part of the Municipality to proceed further.

5. As pointed out earlier, the case of the petitioner is that property belongs to the public and used as a public road. However, a perusal of the plaint in O.S.No.605/2022 shows that the plaintiff therein claims that the property is a private property and not one vested with the respondents. Whether the property belongs to the respondent or belongs to the plaintiff has to be decided by the jurisdictional civil court. When there is a dispute of title, it



might not be proper on the part of this Court to direct the respondents to lay the road. Such a direction will be indirectly infringing the constitutional right of the plaintiff. Therefore, I am not inclined to grant the relief sought for by the petitioners. Hence, this Writ Petition is dismissed. No costs.

19-01-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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V.LAKSHMINARAYANAN, J.

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To
The CommisisonerNamakkal Municipal
Corporation, Office Of The Municipal
Corporation Tiruchengode Road, Namakkal