



W.A.(MD) No.94 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2026

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

and

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

W.A.(MD)No.94 of 2026

and

C.M.P.(MD)No.1003 of 2026

K.Theivendran

... Appellant

-VS-

1.The District Collector,
Madurai District,
Madurai.

2.The Commissioner,
Usilampatti Panchayat Union,
Usilampatti.

3.The President,
Meikilarpatti Panchayat,
Meickilarpatti Post,
Usilampatti,
Madurai District.

... Respondents



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PRAYER: Writ Appeal filed under Clause XV of the Letters Patent Act, praying to praying to allow the appeal and set aside the order of this Court made in W.P.(MD)No.15913 of 2023 dated 16.12.2025.

For Appellants : Mr.S.Premkumar

For Respondents : Mr.D.Sasikumar,

Additional Government Pleader

JUDGMENT

[Judgment of the Court was made by DR.G.JAYACHANDRAN, J.]

Appeal is directed against the order of the learned Single Judge, who has dismissed the Writ Petition seeking Mandamus forbearing the construction of open sewage channel in the land alleged to be the patta land of the petitioner, taking into consideration the submissions made by the learned Additional Government Pleader that the land in which the channel proposed to be constructed is not the patta land of the appellant herein but classified as a public pathway. Recording the same, learned Single Judge has dismissed the Writ Petition, giving liberty to the appellant herein to work out his remedy before the Civil Court for appropriate remedy. Not satisfied with the liberty granted and the observation made by the learned Single Judge, the present Writ Appeal is filed.



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2. Learned Counsel for the appellant submitted that the S.No.22/1A1B of Sikkampatti Village, Usilampatti Taluk, Madurai District, is the land of the appellant which he got from his mother. The land has always been in his possession and enjoyment and there is no common pathway in the said land. While so, the Village Panchayat is attempting to put up open sewage channel in his land in violation of his right to hold property.

3. The submission of the appellant claiming right over the property is based on a title deed dated 30.01.1989, which is a sale deed in favour of the appellant's mother. In the said sale deed itself, we find in the schedule that there is a common pathway running South West on the Eastern side. While so, it is for the appropriate court to test whether the proposed open sewage channel runs along the said pathway or it intrudes into the land of the petitioner. Being a question of fact under civil dispute, the learned Single Judge has rightly observed that the matter has to be adjudicated in the Civil Court and High Court under Article 226 of the Constitution of India, cannot deal with the question of facts of this nature. We find no ground to interfere the said order in view of the facts narrated above.



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4. Accordingly, this Writ Appeal stands dismissed and the liberty granted by the learned Single Judge is confirmed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

[G.J., J.] & [K.K.R.K., J.]
03.02.2026

NCC : Yes / No

Index : Yes / No

Internet: Yes / No

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