



W.P(MD)No.2895 of 2026

WEB CODE BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.03.2026

CORAM:

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

W.P(MD)No.2895 of 2026

S.Sivasubramaniam

... Petitioner

vs.

- 1.The District Collector,
District Collector Office,
Theni District,
Theni-625 531.
- 2.The Tahsildar,
Taluk Office,
Theni.
- 3.The Block Development Officer,
Theni Union Office,
Periyakulam Main Road,
Theni.
- 4.The Special Officer/Secretary,
Koduvilarpatti Village Panchayat,

1/6



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WEB CODE: **Koduvilarpatti,
Theni District.**

5.Jeyaraman

6.P.S.Ettamuthu

7.P.S.Sakkamuthu

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment made by the respondents 5 to 7 in S.Nos.402/5 and 402/8 at Koduvilarpatti Village, Theni District by putting up a compound wall and thereby preventing the free ingress and egress to the property of the petitioner situate in S.No.402/4 at Koduvilarpatti Village, Theni District by considering the representation dated 17.12.2025 of the petitioner.

For Petitioner : Mr.S.Sivathilakar

For R1 to R4 : Mr.A.Kannan
Additional Government Pleader

For R5 to R7 : No appearance



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ORDER

(Order of the Court was made by N.SATHISH KUMAR, J.)

The petitioner has filed the present Writ Petition seeking a direction to respondents 1 to 4 to remove the encroachment allegedly made by respondents 5 to 7 in Survey Nos. 402/5 and 402/8 at Koduvilarpatti Village, Theni District, by considering his representation dated 17.12.2025.

2.The main grievance of the petitioner is that respondents 5 to 7 have put up a compound wall, thereby blocking the common pathway leading to the petitioner's property.

3. The third respondent has filed a counter affidavit stating that Survey Nos. 402/5 and 402/8 are not Government poramboke lands, but are patta lands standing in the names of private individuals. It is further stated that the said lands were plotted into house sites without obtaining layout



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approval from the competent authority, and the portion earmarked for road purposes has not been handed over to the Panchayat.

4. In such circumstances, since the lands belong to private individuals, the petitioner cannot claim a right of way as a matter of right in these proceedings. If the petitioner seeks to establish such a right, he must approach the competent Civil Court by filing an appropriate civil suit.

5. Accordingly, the writ petition stands dismissed. No costs.

[N.S.K.,J.] [M.J.R.,J.]
24.03.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes
am



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N.SATHISH KUMAR, J.
and
M.JOTHIRAMAN, J.

am

ORDER MADE IN
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