



W.P(MD)No.4321 of 2026

WEB CODE BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.03.2026

CORAM:

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

W.P(MD)No.4321 of 2026

M.Ganeshbabu

... Petitioner

vs.

- 1.The District Collector,
Office of the District Collector,
Madurai District,
Madurai-20.
- 2.The Commissioner,
Madurai Corporation,
Anna Maligai,
Madurai-02.
- 3.The Tahsildar,
Office of the Tahsildar,
Madurai District,
Madurai-20.



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4.The Assistant Commissioner,
Office of the Assistant Commissioner,
Madurai Corporation,
Zone-5, Madurai District,
Madurai-05.

5.K.Jeyakodi

6.Nesam Jayavathi

7.P.Ponnupandi

... 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 on pathway/street comprised in Survey No.361/10 situating at Periyasamy Nagar 6th Street, Old Ward No.94, New Ward No.92, Avaniyapuram Village, Madurai South Taluk in Madurai District, which comes under zone 5 of fourth respondent within the time stipulated by this Court.

For Petitioner	: Mr.T.Muthu Selvam
For R1 & R3	: Mr.D.Sasikumar Additional Government Pleader
For R2 & R4	: Mr.K.K.Kannan
For F5 & R6	: Mr.K.K.Udayakumar



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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 issuance of a writ of mandamus directing respondents 1 to 4 to remove the alleged encroachment on the pathway/street comprised in Survey No.361/10, situated at Periyasamy Nagar 6th Street, Old Ward No.94, New Ward No.92, Avaniyapuram Village, Madurai South Taluk, Madurai District, falling under Zone V of the fourth respondent.

2. According to the petitioner, respondents 5 and 6 have encroached upon the aforesaid pathway. In this regard, the petitioner submitted a representation to respondents 1 to 4; however, no action has been taken thereon, compelling the petitioner to approach this Court by way of the present writ petition.



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3. The learned counsel appearing for respondents 5 and 6 submitted that the 7th respondent had earlier filed a writ petition in W.P.(MD) No. 16663 of 2017, challenging the proceedings of the Tahsildar in K.Dis.No. 16606/2017/14 dated 18.08.2017. This Court, by order dated 08.02.2024, dismissed the said writ petition, observing that the property in question belongs to a private entity and that the layout has not been approved, while granting liberty to the petitioner therein to work out his remedy in the manner known to law. Subsequently, the 7th respondent has instituted a civil suit in O.S. No.144 of 2025 on the file of the District Munsif-cum-Taluk Court, Madurai, seeking a declaration, in which the Corporation has also been impleaded as a party.

4. In view of the above, it is evident that disputed questions of fact are involved in the matter, and a civil suit is already pending adjudication before the competent civil court. Therefore, this Court is not inclined to entertain the present writ petition.



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[N.S.K.,J.] [M.J.R.,J.]
23.03.2026

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

To

1. The District Collector,
Office of the District Collector,
Madurai District,
Madurai-20.
2. The Tahsildar,
Office of the Tahsildar,
Madurai District,
Madurai-20.



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

am

ORDER MADE IN
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DATED : 23.03.2026