



W.P(MD)No. 5984 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :05.03.2026

CORAM:

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

W.P(MD)No. 5984 of 2026

Brammathevan

... Petitioner

Vs

**1. The District Collector cum Monitoring Committee,
Madurai District.**

**2. The Revenue Divisional Officer,
Usilampatti Taluk,
Madurai District.**

**3. The Block Development Officer,
Usilampatti Taluk,
Madurai District.**

**4. The Thasildhar,
Usilampatti Taluk,
Madurai District.**

5. Palsamy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent nos. 1 to 4 herein to remove the encroachment and unauthorised construction made by the respondent no. 5 in the common



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road/public pathway/street comprised in Sur. No. 295/1, Manuthu Village, Usilampatti Taluk, Madurai District within stipulated time period in accordance with law by considering petitioner's representations dated 17.11.2025 and 15.01.2026.

For Petitioner : Mr. C.Senthil Murugan
For R1, R2 & R4 : Mr. J.Ashok
Additional Government Pleader
For R3 : Mr.A.Kannan
Additional Government Pleader

ORDER

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

The present writ petition has been filed to direct the respondents 1 to 4 herein to remove the encroachment and unauthorised construction made by the fifth respondent in the common road/public pathway/street comprised in Survey No. 295/1, Manuthu Village, Usilampatti Taluk, Madurai District by considering the petitioner's representations, dated 17.11.2025 and 15.01.2026.

2. It is the case of the petitioner that the land in survey No.295/1 is classified as a 'street'. However, the fifth respondent has constructed a toilet and therefore, he seeks a direction to remove the encroachment.



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3. The learned Additional Government Pleader, on instructions, submits that they will survey the land and if there is any encroachment, they will proceed as per law under the Tamil Nadu Land Encroachment Act, 1905.

4. Heard both sides and perused the records.

5. In view of the above submissions, this Court is of the view that let the respondent survey the land and if there is any encroachment on the street, the proceedings under the Tamil Nadu Land Encroachment Act, 1905, should be initiated after giving proper opportunity to the private respondent.

6. With the said observations, this Writ Petition is disposed of. No costs.

NCS : Yes/No
Index : Yes / No
Internet : Yes / No
apd

[N.S.K., J.] & [M.J.R., J.]
05.03.2026



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AND
M.JOTHIRAMAN, J.

apd

ORDER MADE IN

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