



W.P(MD)No. 5783 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED :03.03.2026

CORAM:

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

W.P(MD)No. 5783 of 2026

M. Ramar

... Petitioner

Vs

**1. The District Collector / Monitoring Committee,
Theni District,
Theni.**

**2. The Revenue Divisional Officer,
Periyakulam
Theni District.**

**3. The Tahsildar,
Andipatty Taluk,
Theni District.**

**4. The Executive Officer,
Andipatty Town Panchayat,
Theni District.**

5. R.Sakthivel

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondents 1 to 4 to take appropriate steps to remove all the



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encroachments made by the 5th respondent in S.No. 1793/2 and 1794/2B at Kondamanaickanpatty, Andipatti Taluk, Theni District within a stipulated time as prescribed by this Court and consequent there on, direct the 4th respondent to lay and complete the road project at Velandigounder street, Kondamanaickanpatty, Andipatty Taluk, Theni District.

For Petitioner : Mr.N.Marimuthu

For R1 to R3 : Mr. S.P.Maharajan
Special 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 to take appropriate steps to remove all the encroachments made by the fifth respondent in S.Nos. 1793/2 and 1794/2B at Kondamanaickanpatty, Andipatti Taluk, Theni District and direct the fourth respondent to lay and complete the road project at Velandigounder street, Kondamanaickanpatty, Andipatty Taluk, Theni District.

2. It is the case of the petitioner that he is a resident of Kondamanaickanpatty village and is having a house along with others.



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Hence, a mud road was laid to access the houses, near Thoddarayan Temple in Survey Nos.1793/2 and 1794/2B. Earlier, there was a water channel and after the said temple was constructed, the water channel was completely destroyed. Now, when the petitioner has made a request to lay a road, he was informed that the land in Survey Nos.1793/2 and 1794/2B has been assigned to the said temple. The fifth respondent voluntarily approached the petitioner stating that he is the administrator of the temple. As the fifth respondent demanded, the petitioner entered into an agreement to purchase the said land and paid a sum of Rs.1,34,000/-. Later, he came to know that the fifth respondent is not an owner of the property and it is a Government poramboke land, wherein the fifth respondent has encroached. Hence, he seeks a direction to remove the fifth respondent.

3. In this writ petition, it is clearly shown that there is an agreement between the parties to purchase the said property from the fifth respondent. No doubt, now the petitioner, relying upon the communication of the Tahsildar, dated 05.03.2025, is claiming that it is the Government poramboke land and encroached by the fifth respondent.



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4. On careful perusal of the communication dated 05.03.2025, it is seen that the patta is in the name of Thoddarayan Temple trustees, namely, V.Ramasamy Gounder, Duraisamy Gounder and S.K.S.Balakrishnan. Therefore, the communication sent by the Tahsildar clearly shows that the property is in the control of the private persons.

5. It is also brought to the notice of this Court that already W.P. (MD) No.26758 of 2024 was filed by one Gopal to remove the fifth respondent, wherein the respondents 1 to 4 therein are directed to consider the representation of the petitioner therein. In view of the same, let the respondents 1 to 4 comply with the order of the Court in W.P. (MD) No.26758 of 2024 dated 11.11.2024 and pass orders after giving opportunity to both the parties and if it is found that there is an encroachment by the fifth respondent, the respondents 1 to 4 are directed to take action pursuant to that order.



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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.]
04.03.2026

To

1. The District Collector / Monitoring Committee,
Theni District,
Theni.

2. The Revenue Divisional Officer,
Periyakulam
Theni District.

3. The Tahsildar,
Andipatty Taluk,
Theni District.

4. The Executive Officer,
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AND
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apd

ORDER MADE IN

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