



W.P.(MD).No.7244 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 20.01.2026

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.7244 of 2023

and

W.M.P(MD) No.6835 of 2023

S.V.Kasi

... Petitioner

Vs.

1. The Commissioner,
Commissionerate of Municipal
Administration,
No.78, Urban Administrative Building,
Santhome High Road,
Chennai – 600 028.

2. The Commissioner,
Madurai Corporation,
Arignar Anna Maaligai,
Thallakulam, Madurai – 625 002.

3. The Assistant Commissioner,
Madurai Corporation,
North Zone,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, forbearing the respondents



W.P.(MD).No.7244 of 2023

from disturbing with the petitioner's peaceful possession of his house site property situated in Plot No.25, Visalakshi Nagar 1st Lane, Madurai – 625 014, based on the petitioner's representation dated 09.03.2023.

For Petitioner : Mrs.J.Padhmaavathi Devi

For R1 : Mrs.D.Farjana Ghoushia
Special Government Pleader

For R2 and R3 : Mr.S.Vinayak
Standing Counsel

ORDER

The present writ petition has been filed seeking a Mandamus forbearing the respondents from disturbing with the petitioner's peaceful possession of his house site property situated in Plot No.25, Visalakshi Nagar 1st Lane, Madurai – 625 014, based on his representation dated 09.03.2023.

2. A perusal of the affidavit reveals that the petitioner is the owner of Plot No.23 and the adjacent land belongs to Public Works Department and he had taken the said land under his custody by putting up wire fencing and steel gate. Now the respondent corporation attempted to remove the said encroachment. Therefore, the present writ petition came to be filed.



W.P.(MD).No.7244 of 2023

3. Paragraph Nos 3 and 4 of the writ affidavit are extracted as follows:

“3. I submit when I was in Government service, I built my home at the above address in the name of my wife Mrs.Kamalam at Plot No.23, Door No.4. The adjacent site on the east of my house is PWD Channel Poromboke. There was a rush to occupy the land left over after the use for channel and road by general public, I took steps to safeguard the land under my custody by forming wire fencing and steel gate.

4. Subsequently in the year 1994, under Metropolitan Development Scheme and under Visalatchipuram Part 2 Slum Improvement Scheme, the PWD land which was occupied by us to an extent of 119 sq.mtr. was assigned as Plot No.25. By mistake, the annual license fee paid to Slum Clearance Board by us was wrongly recorded as the fee received from one Mr.Chandrasekar, who is the owner of Plot No.24. To rectify this mistake, a Release Deed was executed and signed by Mrs.Kamalam and Mr.M.Chandrasekar family on 16.09.1999 by which Mr.Chandrasekar family agreed that plot No.25 was in occupation and



W.P.(MD).No.7244 of 2023

custody of Mrs.Kamalam for nearly 15 years and hence released the right of ownership and occupation of Plot No.25.”

4. The above said paragraphs would clearly indicate that the petitioner is not the owner of Plot No.25 and it belongs to the Public Works Department. In such an event, the prayer sought for by the writ petitioner cannot be granted and there are no merits in this Writ Petition.

5. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently connected Miscellaneous Petition stands closed.

20.01.2026

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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W.P.(MD).No.7244 of 2023

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W.P.(MD).No.7244 of 2023

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W.P(MD)No.7244 of 2023

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