



W.M.P.(MD)No.6765 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.03.2026

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MS.JUSTICE R.POORNIMA**

**W.M.P.(MD)No.6765 of 2021
in
Rev.Apl.W.(MD)No.SR24133 of 2021
in
W.P.(MD)No.19993 of 2020**

Prithiviraj

... Petitioner

Vs.

The Commissioner,
Thirumangalam Municipality,
Thirumangalam,
Madurai District.

... Respondent

Prayer in W.M.P.(MD)No.6765 of 2021 : Miscellaneous Petition is filed under Section 5 of the Limitation Act, to condone the delay of 10 days in filing the review application as against the order dated 05.01.2021 in W.P.(MD)No.19993 of 2020 on the file of this Court.

Prayer in Rev.Apl.W.(MD)No.SR24133 of 2021 : Review Application is filed under Section 114 r/w. Order 47 Rule 1 of Civil Procedure Code,



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to allow the review application and set aside the order passed in W.P.(MD)No.19993 of 2020 dated 05.01.2021.

For Petitioner : Mr.T.Vadivelan

ORDER
(By G.R.SWAMINATHAN, J.)

Vide notice dated 07.12.2020, the Commissioner, Thirumangalam Municipality called upon the petitioner to remove the encroachment in question on his own. The petitioner was informed that in default, the authority would take further action in the matter. Challenging the said notice, the petitioner herein filed W.P.(MD)No.19993 of 2020. The writ petition was dismissed by the Hon'ble Division Bench vide order dated 05.01.2021 in the following terms:-

“3.The learned Counsel for the petitioner submitted that the land in question is a Natham land and the respondent does not have jurisdiction. Suffice it is to state that the challenge to the impugned notice itself is an abuse of process of law. The respondent has not invoked the Tamil Nadu Land Encroachment Act. Therefore, the question of jurisdiction does not hold much water. Secondly, the Civil Courts have rendered factual findings as



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against the petitioner. It is not a Grama Natham land, as claimed by the petitioner. It is very late for the petitioner to make such contention and that too, at this point of time, especially after the filing of suits and earlier writ petitions. The encroachment is on the road. The entire area has been fully developed, coming within the purview of the Municipality. Therefore, it is impossible to hold that the land in question could have been a Grama Natham.

4.The petitioner, in one way or the other, wants to cling on to the encroached portion by using the judicial process to his advantage. He has dragged on the eviction proceedings for more than a decade, as on now. Looking from any perspective, we do not find any reason to entertain this writ petition and therefore, this writ petition stands dismissed. However, considering the plea made by the learned Counsel for the petitioner, time is given till 31.05.2021 for the petitioner to remove the encroached portion and hand over the vacant place to the respondent. No costs. Consequently, connected miscellaneous petition is closed.”

Seeking review of the said order, this review application has been filed.

The review application was not filed in time. There was a delay of ten days. Hence, this miscellaneous petition has been filed seeking condonation of said delay.



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2. Though the delay is nominal and in normal circumstances, we would have condoned the same, we are of the view that there is no merit whatsoever in the review application. We do not find any error apparent on the face of record. Hence, this miscellaneous petition is dismissed. No costs. Consequently, Rev.Apl.W.(MD)SR.No.24133 of 2021 is dismissed at the SR stage itself.

(G.R.S. J.) & (R.P. J.)
02.03.2026

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