



W.P.(MD).No.7331 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2026

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.7331 of 2023

and

W.M.P(MD) No.6894 of 2023

R.Sivathanu Pillai

... Petitioner

Vs.

1. The Assistant Director,
(Town Panchayats)
Kanniyakumari District Collectorate Complex,
Nagercoil,
Kanniyakumari District.
2. The Executive Officer,
Eraniel Town Panchayat,
Eraniel, Neyyur Post – 629 802,
Kanniyakumari District.
3. The Assistant Executive Engineer,
(Town Panchayat Division),
Nagercoil,
Kanniyakumari District.
4. The Assistant Engineer
(Town Panchayat Division)
Nagercoil,
Kanniyakumari District.



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5. The Assistant Divisional Engineer,
(Construction and Maintenance)
Highways Department,
Nagercoil, Kanniyakumari District.

... 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 from encroaching and laying road on any part of the petitioner's 8 cents patta land – property situated in Old Survey No.4002.E, New Survey No.421/20 in Eraniel Village, Kalkulam Taluk, Kanniyakumari District.

For Petitioner : Mr.Sureshkumar

For R1 and R3 : Mr.B.Saravanan
to R5 Additional Government Pleader

For R2 : Mr.C.Satheesh
Government Advocate

ORDER

The present writ petition has been filed seeking a Mandamus forbearing the respondents from encroaching into the private property of the writ petitioner in Old Survey No.4002.E, New Survey No.421/20 in Eraniel Village, Kalkulam Taluk, Kanniyakumari District.



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2. A perusal of the affidavit reveals that the respondents are attempting to encroach the petitioner's private property and they are trying to lay a road. The documents filed in the typed set of papers reveal that the petitioner has been granted patta in S.No.421/20 for an extent of 0-2.50 Hectares in Patta No.7539.

3. In view of the above said facts it is clear that the respondents would not be entitled to encroach upon or lay any road in the private patta land of the writ petitioner in New S.No.421/20 without following due process of law.

4. With the above said observation, this writ petition stands allowed to the extent as stated above. 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
ebsi



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R.VIJAYAKUMAR,J.

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