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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.03.2026**

CORAM:

THE HONOURABLE **MR.JUSTICE N.SATHISH KUMAR**

AND

THE HONOURABLE **MR.JUSTICE M.JOTHIRAMAN**

W.P.(MD)No.7848 of 2026

Venkateswaran

... Petitioner

Vs.

- 1.The District Collector,  
Virudhunagar,  
Virudhunagar District.
- 2.The Revenue Divisional Officer,  
O/o.the Revenue Divisional Officer,  
Aruppukkottai,  
Virudhunagar District.
- 3.The Tahsildar,  
O/o.the Tahsildar,  
Tiruchuli Taluk,  
Virudhunagar District.
- 4.The Block Development Officer,  
O/o.The Block Development Officer,  
Narikudi, Virudhunagar District.
- 5.The Village Administrative Officer,  
O/o.The Village Administrative Officer,  
Pillayarnatham Group,  
Tiruchuli Taluk,  
Virudhunagar District.



6.Muniyandi

7.Raj

8.Senthil

...Respondents

**PRAYER:-** Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 5 to remove the encroachment made by the respondents 6 to 8 in the public pathway situated in Survey No.161/7, Panaiyur Village, Pillayarnatham Group, Tiruchuli Taluk, Virudhunagar District in the light of the proceedings made by the second respondent in Na.Ka.A3/2539/2025 dated 23.05.2025.

For Petitioner : Mr.A.Balaji  
For Respondents : Mr.A.Kannan (R1 to R3 & R5)  
Additional Government Pleader  
Mr.P.Thilakkumar (R4)  
Government Pleader

### **ORDER**

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

This writ petition has been filed seeking a direction to the respondents 1 to 5 to remove the encroachment made by the respondents 6 to 8 in the public pathway situated in Survey No.161/7, Panaiyur Village, Pillayarnatham Group, Tiruchuli Taluk, Virudhunagar District.



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2.Mr.A.Kannan, learned Additional Government Pleader, accepts notice for the respondents 1 to 3 and 5 and Mr.P.Thilakkumar, learned Government Pleader, accepts notice for the fourth respondent. In view of the order proposed to be passed in this writ petition, notice to the respondents 6 to 8 is dispensed with.

3.By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

4.The contention of the petitioner is that the land in Survey No. 161/7 has been classified as public pathway. The said pathway is in existence for several decades. However, the private respondents herein claiming right, have encroached upon the said public pathway. Based on the representations submitted by the petitioner in this regard, proceedings under the provisions of the Land Encroachment Act has been initiated. However, the encroachment has not been removed till today. Hence, the petitioner has filed the present writ petition.



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5.The learned Additional Government Pleader appearing on behalf of the official respondents, on instructions, submitted that the land in question has been classified as Natham land in the revenue records. Further, with regard to the dispute between the parties, a suit in O.S.No. 127 of 2021 on the file of the Principal District Munsif Court, Thiruchuli, is pending and an interim injunction has also been granted vide order dated 14.02.2023. The Government is also impleaded as a party in the said suit. Hence, the proceedings initiated under the provisions of the Land Encroachment Act could not be completed.

6.Heard the learned counsel appearing on either side and perused the materials placed on record.

7.Admittedly, a civil suit is pending between the parties with regard to the property in dispute in O.S.No.127 of 2021 on the file of the Principal District Munsif Court, Thiruchuli. Hence, we hold that it is for the parties to agitate their right before the civil Court and work out their remedy depending upon the outcome of the said suit.



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8. In view of the above, we are not inclined to entertain this writ petition. Accordingly, this writ petition is dismissed. There shall be no order as to costs.

**[N.S.K., J.] & [M.J.R., J.]**  
**24.03.2026**

Index : Yes/No

Internet : Yes

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**N.SATHISH KUMAR, J.  
AND  
M.JOTHIRAMAN, J.**

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