



W.P(MD)No.8844 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2026

CORAM:

THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P.(MD)No.8844 of 2023
and WMP(MD)No.8065 of 2023

Mr.S.Arunkumar Pavel

...Petitioner

Vs.

1. The District Collector,
Tenkasi District, Tenkasi

2. The Assistant Director of Panchayat,
Tenkasi.

3. The Block Development Officer,
Block Development Office,
Keelapavoor, Tenkasi District.

4. The Union Engineer,
Keelapavoor Panchayat Union,
Tenkasi District.

5. The Panchayat President,
Kalloorani Panchayat,
Keelapavoor Panchayat Union,
Tenkasi District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 and 3 to remove the illegal drainage laid in petitioner's patta land in



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S.No. 67/2A8 at Kamaraj Nagar, Pavor Chathiram, Tenkasi District and consequently direct the Respondent No.3 to 5 to restore the petitioner's compound wall in S.No.67/2A8.

For Petitioner : Mr.S.Rajasekar
For Respondents : Mr.P.Subbaraj
Special Government Pleader

ORDER

The petitioner has approached this Court seeking a direction to respondents 1 and 3 to remove the drainage allegedly constructed illegally on the petitioner's patta land comprised in Survey No.67/2A8 situated at Kamaraj Nagar, Pavor Chathiram, Tenkasi District.

2. The case of the petitioner is that he is the absolute owner and in possession of the patta land comprised in Survey No.67/2A8. According to the petitioner, the respondents, without initiating any proceedings under the relevant statutes and without following due process of law, have constructed a drainage channel passing through the petitioner's patta land. It is the grievance of the petitioner that the construction of the said drainage has caused obstruction to the petitioner's peaceful possession and enjoyment of the property. The



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petitioner further states that he had submitted several representations to the authorities requesting them to remove the drainage constructed in his patta land. However, since no action has been taken on the said representations, the petitioner has approached this Court by filing the present Writ Petition.

3. The learned Special Government Pleader appearing for the respondents submitted that the drainage in question had been constructed long ago for public utility purposes and that the same has not been laid within the petitioner's patta land. It is therefore contended that the allegation made by the petitioner that the drainage has been constructed in his patta land is not correct.

4. In view of the rival submissions made by the parties, this Court is of the opinion that the dispute raised by the petitioner regarding the exact location of the drainage and whether it encroaches upon the petitioner's patta land is a matter that requires factual verification. Such an issue can be effectively resolved only by conducting a proper survey of the land with reference to the revenue records.



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5. Accordingly, the respondents 3 to 5 are directed to conduct a survey of the land comprised in Survey No.67/2A8 at Kamaraj Nagar, Pavoor Chathiram, Tenkasi District, after issuing notice to the petitioner and other necessary parties and in the presence of the petitioner. If, upon conducting such a survey, it is found that the drainage has indeed been constructed within the petitioner's patta land, the respondents 3 to 5 shall take appropriate steps in accordance with law to remove the encroachment and restore the land to its original condition. The entire exercise shall be completed within a period of eight weeks from the date on which the survey is conducted.

6. With the above directions, the Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

02.03.2026

Index : Yes / No
NCC : Yes / No
CM



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HEMANT CHANDANGOUDAR, J.

CM

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