



W.P.(MD) No.11032 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.04.2026

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

and

THE HONOURABLE MR.JUSTICE P.VADAMALAI

W.P.(MD)No.11032 of 2024

and

W.M.P.(MD)No.14686 of 2024

1.Madharsha

2.Bharathi

... Petitioners

-VS-

1.The Assistant Divisional Engineer,
Highways Department, (Construction Maintenance),
Musri, Trichy District.

2.The Tahsildar,
Thottiam Taluk,
Thottiam, Trichy District.

3.The Taluk Surveyor,
Thottiam Taluk,
Trichy District

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, by directing the respondents to remove the entire encroachments made in the Manamedu-Kolakudi-Surapatti State Highway Road in Survey Nos.77, 177, 580, 581 & 78 at Kolakudi, Trichy District thereafter complete the road on the basis of the first respondent's proceedings in Ku.No.106/2023/A1 dated 01.12.2023 and by considering petitioners representation dated 18.04.2024 and within the time stipulated by this Court.

For Petitioner : Mr.M.Pitchai Muthu
For Respondents : Mr.S.P.Maharajan,
Special Government Pleader
For impleading petitioner : Mr.M.Velmurugan

ORDER

[Order of the Court was made by R.SURESH KUMAR, J.]

The prayer sought for herein is for a Writ of Writ of Mandamus, by directing the respondents to remove the entire encroachments made in the Manamedu-Kolakudi-Surapatti State Highway Road in Survey Nos.77, 177, 580, 581 & 78 at Kolakudi, Trichy District and thereafter complete the road on the basis of the first respondent's proceedings in Ku.No.106/2023/A1



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dated 01.12.2023 and by considering the petitioner's representation dated 18.04.2024

2. Heard Mr.M.Pitchai Muthu, learned Counsel appearing for the petitioner, Mr.S.P.Maharajan, learned Special Government Pleader appearing for the respondents and Mr.M.Velmurugan, learned Counsel appearing for the petitioner in the impleading petition in W.M.P.(MD)No. 14686 of 2024.

3. Learned Special Government Pleader would submit that in order to comply with the prayer that has been sought for in the Writ Petition, steps have already been taken, as entire stretch of land belongs to Highways Department. Therefore, when drive has been made, it came to light that all encroachments have been by one Ponnusamy, who is none other than the impleading petitioner in W.M.P.(MD)No.14686of 2024.

4. However, Mr.M.Velmurugan, learned Counsel appearing for Mr.Ponnusamy, would submit that the impleading petitioner is entitled to get patta and in this regard, he has made an attempt to the revenue authorities to get patta, which had been rejected by the Sub-Collector through its order dated 12.09.2025, against which already appeal has



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been preferred before the District Revenue Officer, Trichy District, before whom the appeal is pending. Therefore, once the appeal is decided one way or the other, before which such occupancy of the impleading petitioner is vacated or evicted forcibly, the very appeal itself would become infructuous. Therefore, it would be a case of *fait accompli*, even if the impleading petitioner get a successful order from the appellate authority.

5.We have considered the said submission made by the learned Counsel appearing for the parties.

6.Insofar as the plea raised by the impleading petitioner namely Ponnusamy is concerned, that has been rejected by the Sub-Collector, against which, if he prefer an appeal for which no proof has been made before this Court, excepting the oral submission made by the learned Counsel for the impleading party, we give a direction to the District Revenue Officer, Trichy District, to verify whether any appeal has been filed by the impleading petitioner Ponnusamy, against the order passed by the Sub-Collector, Musiri dated 12.09.2025 in Na.Ka.A3/4538/2025 and if so, the appeal be decided on merits and in accordance with law, within a period of one [1] month from the date of receipt of a copy of this order.



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7.If no appeal is preferred after verifying the records, the same may be communicated to the Tahsildar concerned, to undertake the removal of encroachment drive as already been directed by this Court, for which also the main Writ Petition has been filed to remove such encroachment, including the encroachment of the impleading petitioner forthwith.

8.Registry shall forward a copy of this order to the District Revenue Officer, Trichy District.

9.Accordingly, the Writ Petition stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

[R.S.K., J.] & [P.V.M., J.]

17.04.2026

NCC : Yes / No

Index : Yes / No

Internet: Yes / No

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To

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R.SURESH KUMAR, J.
AND
P.VADAMALAI, J.

MR

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