



W.P.(MD)No.11407 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.06.2026

CORAM

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

W.P.(MD)No.11407 of 2022

Sudalai

... Petitioner

Vs

1.The Commissioner,
Surandai Municipality,
Tenkasi District.

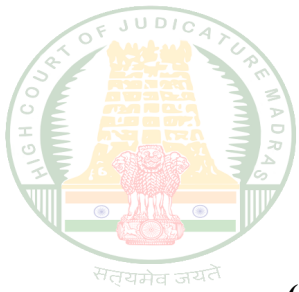
2.Arikesan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to remove the encroachment of illegal construction of compound wall on the public drainage water channel wall by the second respondent in front of Survey No.750/4 situated at 1st street, Ward No.14, Surandai, Tenkasi District within a time frame.

For Petitioner : Mr.D.Venkatesh

For Respondents : Mr.J.Parekhkumar,
Standing Counsel for R1.
Mr.A.Mohamed Haneef for R2



W.P.(MD)No.11407 of 2022

ORDER

(Order of the Court was delivered by G.R.Swaminathan, J.)

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The writ petitioner alleges that the second respondent herein had committed encroachment and that he wants the same to be removed.

2.During the pendency of this writ petition, the local body issued order dated 01.07.2023 under Section 182 of the Tamil Nadu District Municipalities Act. The second respondent herein filed W.P.(MD)No.16725 of 2023 challenging the same. The petitioner herein figured as the sixth 6th respondent in the said writ petition and he was represented by a counsel. The writ petition was disposed of in the following manner:-

“4. In the said circumstances, this Court is inclined to pass the following orders:

- (i) The writ petition is allowed.*
- (ii) The order, dated 01.07.2023, passed by the fifth respondent, is quashed.*
- (iii) However, liberty is given to the official respondents to proceed further under Section 128 of the Act.*
- (iv) The Tahsildar / fourth respondent is directed to*



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W.P.(MD)No.11407 of 2022

conduct a survey in the subject property, after issuing notice to the petitioner, sixth respondent as well as the Local Body, strictly in terms of the revenue documents.

(v) When such a notice is issued, the parties shall cooperate with the fourth respondent for survey.

(vi) After conducting a survey, as indicated above, the fourth respondent shall draw a report indicating whether there is any encroachment by the petitioner or by anyone in the property, which is vested in the fifth respondent as a road.

(vii) If any encroachment is identified with reference to the revenue documents, it is open to the official respondents to proceed further, in accordance with the law, for removal of encroachments.

(viii) No costs. Consequently, connected miscellaneous petition is closed."

3. In view of this subsequent development, this writ petition has become infructuous. The writ petition stands closed. No costs.

(G.R.S. J.,) & (R.P. J.,)
09.06.2026

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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W.P.(MD)No.11407 of 2022

G.R.SWAMINATHAN, J.
and
R.POORNIMA, J.

ias

W.P.(MD)No.11407 of 2022

09.06.2026