



W.P.(MD)No.13889 of 2026

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.06.2026**

CORAM:

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

AND

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

W.P.(MD)No.13889 of 2026
and W.M.P.(MD)No.10425 of 2026

Paraloga Arockiam

... Petitioner

Vs.

1. The District Collector,
Thoothukudi District.
2. The Revenue Divisional Officer,
Kovilpatti,
Thoothukudi District.
3. The Block Development Officer,
O/o Block Development Office,
Vilathikulam,
Thoothukudi District.
4. The Thasildar,
Vilathikulam Taluk,
Thoothukudi District
5. The Surveyor,
Vilathikulam Taluk,
Thoothukudi District.



W.P.(MD)No.13889 of 2026

WEB COPY

6. The President,
Vembar Panchayat Board,
Vilathikulam Taluk,
Thoothukudi District.

7. Joseph Pushpadoss,

...Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents not to commit any act or omission which will interfere with pathway landscape in Survey No.235 situated at Vembar Village, Vilathikulam Taluk, Thoothukudi District on petitioner's representation dated 21.04.2026 to the Respondents 1 and 3 and consequentially protect and preserve the pathway access for the village people.

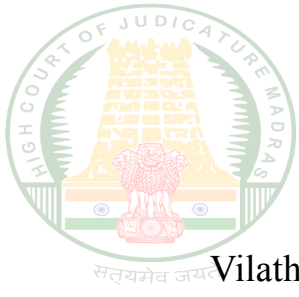
For Petitioner : Mr.Ramesh for Mr.K.Kevinkaran

For Respondents : Mr.B.Saravanan, Senior Counsel
for Mr.M.P.Senthil,
Counsel for State for R1 to R5
Mr.A.Rajaram for R7

ORDER

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

The petitioner has filed the present writ petition seeking a direction to the respondents not to commit any act or omission that would interfere with the pathway situated in Survey No.235, Vembar Village,



W.P.(MD)No.13889 of 2026

WEB COPY

Vilathikulam Taluk, Thoothukudi District, based on the petitioner's representation dated 21.04.2026, and consequently to protect and preserve the pathway access used by the villagers.

2. It is the contention of the petitioner that the subject property is a pathway being used by nearly 300 families. It is further stated that the Village Panchayat laid a cement road on the said pathway more than 20 years ago. However, the 7th respondent filed W.P.(MD) No.24711 of 2023 before this Court seeking removal of the cement road without impleading the villagers who were using the pathway. Hence, the present writ petition has been filed.

3. The learned Senior Counsel appearing for respondents 1 to 5 submitted that this Court had already passed an order in W.P.(MD) No. 24711 of 2023, filed by the 7th respondent, on 20.02.2025, directing the removal of the road laid by the Panchayat on the private property. This Court had also granted four weeks' time to negotiate with the 7th respondent, considering that the property was being used as a road by the local public, and further observed that, if such negotiations failed, the Panchayat should take necessary steps to remove the cement road.



W.P.(MD)No.13889 of 2026

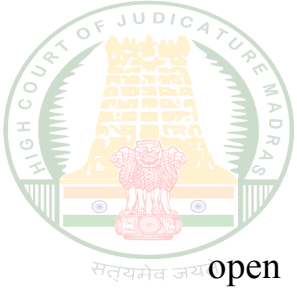
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4. The learned counsel appearing for the 7th respondent submitted that the rights of the parties had already been determined in a civil suit, which culminated in a judgment and decree passed by this Court in S.A.(MD) No.486 of 2004 dated 07.09.2022. The said fact is not disputed by the learned counsel for the petitioner.

5. In such circumstances, when the 7th respondent has been declared as the owner of the property by a competent Civil Court and the said decree has attained finality, the petitioner cannot once again seek a relief in the nature of an injunction by filing this Writ Petition. Therefore, we find no merit in the writ petition, and the same is liable to be dismissed.

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

7. At this juncture, the learned counsel for the petitioner submitted that the villagers are now willing to purchase the property for the purpose of continuing to use the same as a pathway. Therefore, it is



W.P.(MD)No.13889 of 2026

WEB COPY

open to the petitioner and the villagers to negotiate with the 7th respondent in that regard.

vsm

[N.S.K., J.] & [M.J.R., J.]
02.06.2026

Index :Yes/No
Internet :Yes

To

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WEB COPY



W.P.(MD)No.13889 of 2026

N.SATHISH KUMAR, J.
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vsm

W.P.(MD)No.13889 of 2026

02.06.2026