



WP(MD). No.14184 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 13/05/2026

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

WP(MD). No.14184 of 2026
and WMP(MD)Nos.10604 and 10605 of 2026

Kalpana

... Petitioner

Vs.

1. The Commissioner,
Madurai Corporation,
Madurai.

2. The Assistant Commissioner,
Madurai Corporation Zone - IV,
Munichalai, Madurai..

3. The Assistant Engineer,
Sewage and Underground Sewage Department,
Santhapettai, Ward No.50,
Madurai.

4. S.Dharwaz Mohaideen

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to call for the records relating to the order passed by the 2nd respondent in his proceedings dated 13.04.2026 made in M4/E3/396/24-25 and quash the same as illegal.



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For Petitioner : Mr.R.Gandhi
Senior Counsel
for M/s.Gandhi Associates
For R1 & R2 : Mr.S.Vinayak
Standing Counsel
For R3 : Mr.D.GAndhiraj
Special Government Pleader

ORDER

This writ petition has been filed challenging the order passed by the second respondent dated 13.04.2026.

2. The petitioner and others are using the public pathway comprised in T.S.No.760 situated in Rasayana Pattarai Compound, Srinivasa Perumal Temple Street, Madurai. All the residents are daily wage workers. There are two entries and exits provided for the entire area. One of the route is situated between Survey Nos.219 and 220 and it is used for public utilities including pathway, electricity service connection, drinking water connection and underground sewerage.

3. While being so, the fourth respondent filed WP(MD)No.24637 of 2024 for a direction to dispel the underground sewerage tank and



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drainage channel. Since he is claiming title over the property comprised in Survey No.760 situated in door number 18B/53, block No.58, Ward number 50, Rasayana Pattarai Lane, Srinivasa Perumal Street, Meenakshipuram, Madurai, this Court by order dated 19.10.2024 directed the authorities concerned to consider his representation on merits and in accordance with law. This Court also observed that if the drainage pipeline is found in the petitioner's land, that has to be removed.

4. Aggrieved by the order passed by the learned single Judge, the petitioner filed a writ appeal. The Hon'ble Division Bench disposed of the Writ Appeal in the SR stage itself, thereby directed the petitioner to submit a representation within seven days with further direction to the respondents to conduct enquiry and dispose the representation. Accordingly, the petitioner submitted representation on 20.07.2025 itself. However, it was considered and order was passed on 13.04.2026 by the second respondent stating that they did not take any action to obstruct the pathway by putting any construction. Further they are taking steps to shift the drainage from the said land to other Government land. The pathway is going to be blocked by the fourth respondent, is only the



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apprehension of the petitioner. Hence, this Court finds no infirmity or illegality in the order passed by the second respondent. However, it is made clear that the second respondent is not going to obstruct the pathway used by the petitioner and others for the years together. The second respondent must ensure that the pathway can be used by the petitioner and other general public without any obstruction. However, in the event of claiming title over the subject land by the petitioner or by the interested persons including the fourth respondent, they can approach the civil court for appropriate relief.

5. In the result, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

13.05.2026

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To,

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G.K.ILANTHIRAIYAN,J

CM

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