



W.P(MD)No.15723 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.06.2026

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MS.JUSTICE R.POORNIMA

W.P(MD)No.15723 of 2024

A.Manoharan

... Petitioner

Vs.

- 1.The District Collector /
Monitory Committee,
Office of the District Collectorate,
Dindigul District.
- 2.The Revenue Divisional Officer,
The Revenue Division Office,
Dindigul.
- 3.The Tahsildar,
The Tahsildar Office,
Nilakottai,
Dindigul District.
- 4.The Block Development Officer,
Panchayat Union,
Nilakottai,
Dindigul District.
- 5.Aachimuthu
- 6.Vijayakumar

... Respondents



W.P(MD)No.15723 of 2024

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 herein to remove the encroachments made by the 5th and 6th respondents in Public pathway situated in S.No.655/2G1A1A in Silukuvarpatti Nilakottai Taluk, Dindigul District based on the order passed by the third respondent in Na.Ka.3531/2023/Aa5 on 15.12.2023 within the time stipulated by this Court.

For Petitioner : Mr.S.Pandiyaraj

For Respondents : Mr.M.P.Senthil
Government Advocate
for R.1 to R.4

Mr.K.Muraleedharan
for R.5 & R.6

ORDER

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

Heard both sides.

2.The writ petitioner is a resident of Silukuvarpatti Panchayat. The petitioner has filed this writ petition for directing the revenue authorities and the local body to remove the encroachment committed in the petition mentioned survey number. The lands measuring more than 1½ acres comprised in Survey Nos.655/2G, 655/3, 655/6 and 655/10 belonged to the fifth respondent. The sixth respondent is none other than his son.



W.P(MD)No.15723 of 2024

They had plotted out the lands and sold to various individuals. The writ petitioner has enclosed extracts from the encumbrance certificate in the typed set of papers. A mere look at the description of the individual plots sold would indicate that they are bounded on one side by a public street. It is obvious that the fifth respondent had formed an unapproved layout and sold the individual plots. He had also not gifted the road portions in favour of the local body. However, that would not make any difference. Once a sale deed has been executed and a portion of land has been shown as a public pathway, it has to be maintained as such and it would automatically vest with the local body.

3.It is seen that the third respondent has already formed a *prima facie* conclusion that there is an encroachment on the road portion. We direct the third respondent to issue notice under Section 7 of the Land Encroachment Act, 1905 to the respondents 5 and 6 and hold enquiry. If the third respondent is satisfied that the road portion has been encroached, the same shall be removed by adhering to due process of law. The entire exercise shall be completed within a period of four months from the date of receipt of a copy of this order.



W.P(MD)No.15723 of 2024

4.This Writ Petition is disposed of accordingly. No costs.

WEB COPY

[G.R.S., J.] [R.P., J.]
09.06.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
MGA

To

- 1.The District Collector /
Monitory Committee,
Office of the District Collectorate,
Dindigul District.
- 2.The Revenue Divisional Officer,
The Revenue Division Office,
Dindigul.
- 3.The Tahsildar,
The Tahsildar Office,
Nilakottai,
Dindigul District.
- 4.The Block Development Officer,
Panchayat Union,
Nilakottai,
Dindigul District.



WEB COPY



W.P(MD)No.15723 of 2024

G.R.SWAMINATHAN, J.

AND

R.POORNIMA, J.

MGA

W.P(MD)No.15723 of 2024

09.06.2026