



W.P.(MD)No.21525 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.06.2026

CORAM

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

**W.P.(MD)No.21525 of 2023
and
W.M.P.(MD)Nos.17931, 17932 and 17933 of 2023**

K.Adheswaran

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Revenue Divisional Officer,
Usilampatti,
Madurai District.

3.The Thasildar,
Peraiyur Taluk,
Madurai District.

4.The Executive Officer,
Elumalai Town Panchayat,
Madurai District.

5.K.Ponraj

... Respondents



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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 entire records in pursuant to the impugned order in Na.Ka.No.2280/2021/C1 dated 31.01.2023 passed by the 3rd respondent and the consequential impugned order passed by the 4th respondent in Na.Ka.No.05/2017 dated 16.08.2023 and quash the same as illegal, arbitrary and against the principles of natural justice.

For Petitioner : Mr.S.Madhavan

For Respondents : Mr.M.P.Senthil,
Govt. Advocate for R1 to R3.
Mr.Gokul Abimanu,
For M/s.Arul Vadivel Associates for R5.

ORDER

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

Heard both sides.

2.The writ petitioner challenges the impugned communication issued by the fourth respondent calling upon him to remove the



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encroachment in question. According to the fourth respondent, the petitioner had marginally encroached upon a street.

3.The learned counsel for the petitioner states that the petitioner had already filed O.S.No.174 of 2023 on the file of the Sub Court, Thirumangalam seeking the relief of declaration and permanent injunction. It is for the petitioner to obtain suitable interim order before the trial Court. The petitioner has already filed an injunction application. The petitioner can also file an application for appointing an advocate commissioner for conducting survey.

4.We direct the fourth respondent to keep the impugned communication in abeyance for a period of four months from the date of receipt of a copy of this order. In the meanwhile, it is for the petitioner to obtain interim order from the trial Court. The trial Court need not feel dismayed by issuance of any direction to consider by the Hon'ble Division Bench. The trial Court can decide either way.



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5.This writ petition is disposed of accordingly. No costs.

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Consequently, connected miscellaneous petitions are closed.

(G.R.S. J.) & (R.P. J.)
01.06.2026

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Revenue Divisional Officer,
Usilampatti, Madurai District.
- 3.The Thasildar,
Peraiyur Taluk,
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