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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.03.2026**

CORAM:

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

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

W.P.(MD)No.23309 of 2025

and

W.M.P.(MD)No.18315 of 2025

Alagammal

... Petitioner

Vs.

1.The District Collector
Madurai District.

2.The Tahsildar
Madurai East Taluk
Madurai District.

3.The Block Development Office
East Panchayat Union.
Madurai District.

4.The Sub Registrar
Sub Register Office
Thamaraipatti
Madurai District.

5.Raju

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 3 to remove the unauthorized construction put up by the 5th respondent by



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encroaching upon the subject property in bearing S.No.139/5 and 6 in erstwhile S.No.271/5 and 6 in erstwhile S.No.271/1 and 4, Meenachipuram Village, Madurai East Taluk, Madurai District on the basis of the forged documents and consequently direct the 3rd respondent to restore the metal road which is laying upon the subject property by considering the petitioner representation dated 07.11.2024 and 25.07.2025 within time stipulated by this Court.

For Petitioner : Mr.K.Mahendran

For R1 to R4 : Mr.P.T.Thiraviam,
Government Advocate

For R5 : Mr.R.Manoharan

ORDER

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

This writ petition has been filed seeking a direction to the respondents 1 to 3 to remove the unauthorized construction put up by the 5th respondent by encroaching upon the subject property in bearing S.No.139/5 and 6 in erstwhile S.No.271/5 and 6 in erstwhile S.No.271/1 and 4, Meenachipuram Village, Madurai East Taluk, Madurai District on the basis of the forged documents and consequently direct the 3rd respondent to restore the metal road which is laying upon the subject



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property by considering the petitioner representation dated 07.11.2024 and 25.07.2025 within time stipulated by this Court.

2.The main contention of the writ petitioner is that the subject property comprised in S.Nos.271/1 to 4 is classified as Government wet and dry land and its worth about more than one Crore. But at the time of UDR scheme, the said survey number is sub divided as 271/5 & 271/6 in erstwhile S.No.271/1 & 4. But, during the year 1981, one Abdul Beevi, without any parent or valid document, sold the Government land to an extent of 3 acre 26 cents to one Valliyammai and it has been registered in Doc.No.534/1981 by the fourth respondent. The said Valliyammai sold the said land to the fifth respondent herein in the year 1985. Therefore, according to the petitioner, the Government land has been encroached.

3.The learned Government Advocate appearing for the respondents 1 to 4 would submit that the petitioner claims right over the property. However, the property is absolute property of the fifth respondent and the revenue records stand in the name of the fifth respondent. Further, in 'A' Register, the subject property has been shown as individual property.



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4. We have considered the submissions made on either side and perused the records carefully.

5. The main grievance of the petitioner is that while selling the property, the pathway is also included in the sale deed. Taking advantage of the same, the pathway has been prevented. It appears that the dispute is only between the petitioner and the fifth respondent and the same cannot be decided in the present writ petition. If at all the petitioner is having any pathway right in the subject property, the same can be tested only before the civil Court. Therefore, we do not find any merits in this writ petition and the same is liable to be dismissed.

In the result, this writ petition is dismissed. The petitioner is at liberty to file a civil suit. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[N.S.K., J.] & [M.J.R., J.]
18.03.2026

Index : Yes/No
Internet : Yes
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**N.SATHISH KUMAR, J.
AND
M.JOTHIRAMAN, J.**

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