



W.P(MD)No.26108 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.03.2026

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MS.JUSTICE R.POORNIMA

W.P(MD)No.26108 of 2019

and

W.M.P(MD)No.22583 of 2019

R.Gomathi

... Petitioner

Vs.

- 1.The State represented by
The Principal Secretary,
Revenue and Disaster Management Department,
Fort.St.George,
Chennai – 600 009.
- 2.The Commisisoner of Land Administration,
Chepauk,
Chennai – 600 005.
- 3.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 4.The Thasildar,
Taluk Office,
Ramanathapuram,
Ramanathapuram District.



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5.The Commissioner,
Mandapam Union,
Ramanathapuram District.

6.The Block Development Officer,
O/o.Block Development Officer,
Mandapam at Utchipuli,
Ramanathapuram District.

7.S.Rajeswari
*(R.7 is suo motu impleaded vide
order of this Court dated 13.02.2025)*

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the Impugned Government Order passed by the first respondent vide his proceeding in G.O.(Ms)No.347, Revenue and Disaster Management Department , Land Nila Mudivu Unit (Ni.Mu.6(2)) Pirivu dated 24.09.2019 and quash the same as illegal.

For Petitioner : Mr.D.Senthil

For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader
for R.1 to R.6

Mr.C.Jeyaprakash for R.7

ORDER

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

Heard both sides.



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2.The writ petitioner herein challenges the order passed by the Revenue and Disaster Management Department dated 24.09.2019 whereby her revision petition was dismissed. The case on hand pertains to Survey No.388/13A in Pattinamkathan Village in Ramanathapuram Taluk. The petitioner had obstructed a pathway by putting up a compound wall and a iron gate. The private respondent herein, namely, Rajeshwari, filed a complaint before the jurisdictional Tahsildar seeking removal of the said encroachment committed by the petitioner herein. The Tahsildar, Ramanathapuram vide order dated 30.01.2018 passed under Section 6 of the Land Encroachment Act, 1905 called upon the petitioner to remove the same. Aggrieved by this order, the petitioner herein filed an appeal before the District collector, Ramanathapuram, who vide order dated 30.06.2018 dismissed the appeal. Challenging the same, the writ petitioner filed revision before the Government. The said revision petition was also dismissed vide G.O(Ms)No. 347 Revenue and Disaster Management Department, Land Nila Mudivu Unit (NiMu.6(2)) Pirivu dated 24.09.2019.

3.The question that calls for consideration is whether the impugned eviction order deserves to be interfered with.



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4.The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition. He pointed out that an acre of land originally belonged to one Ravichandra Ramavanni. He sold the same in favor of one Mohammed Dawood. Mohammed Dawood parceled the property into four pieces and sold the same to 4 individuals. These 4 individuals formed a gated community. The pathway in question is for the benefit of the said 4 land holders. In order to ensure their safety and privacy, a compound wall with a gate had been put up. The learned counsel pointed out that the pathway terminates in Survey No.388/13A itself and does not go beyond. He therefore submitted that the orders impugned in the writ petition deserve to be interfered with.

5.Per contra, the learned Additional Government Pleader as well as the learned counsel for the impleaded private respondent submitted that the impugned orders deserve to be sustained. They prayed for dismissal of the writ petition.

6.We carefully considered the rival contentions and went through the materials on record.



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7.It is not in dispute that Survey No.388/13A has been classified as a pathway in the revenue records. More than anything else, the petitioner's vendor, Thiru Mohammed Daoud, executed a gift deed dated 13.3.2015 (Document No.1260/2015) in favor of the local body gifting the petition mentioned pathway. Our attention was drawn to the four boundary description set out in the sale deeds dated 30.10.2003 and 29.01.2009 executed in favour of the writ petitioner. It is seen therefrom that the petition mentioned pathway has been shown as the southern boundary of the petitioner's property. Likewise, in the gift deed dated 13.03.2015, the northern boundary of the petition mentioned pathway is the petitioner's property. Therefore, it is too obvious that the petitioner has no personal title over the petition mentioned pathway. When in the revenue records, it has been classified as a public pathway, the same cannot be obstructed. The property has been described as a government poromboke in the revenue record.

8.As per Section 131 of the Tamil Nadu Panchayat Act, 1994, no person can be permitted to erect any obstruction on a public pathway. We are more than satisfied not only from the petitioner's own title document but also from the government records that the petition mentioned



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pathway is a public pathway. Therefore, the authorities rightly directed the petitioner to remove the obstructions in question. No case has been made out for interfering with the impugned orders.

9.This Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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

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

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