



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :10.03.2026

CORAM:

**THE HON'BLE MR JUSTICE D.BHARATHA
CHAKRAVARTHY**

**W.P(MD)No.29975 of 2023
and
W.M.P(MD)No;25840 of 2023**

Alphonse

... Petitioner

.Vs.

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The Special Commissioner,
Commissioner of Land Administration,
Chepauk, Chennai-5.
- 3.The District Surveyor,
Dindigul District,
Dindigul.
- 4.The Town Surveyor,
Kodaikanal Municipal Corporation,
Dindigul.
- 5.The Tahsildar,
Kodaikanal,
Dindigul District.



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6.The Village Administrative Officer,
Kodaikanal,
Dindigul District.

7.The Commissioner,
Kodaikanal Municipal Corporation,
Kodaikanal, Dindigul District.

8.R.M.S.Ramasamy

(R7 was impleaded as per order of this Court made in
W.M.P(MD)No.657 of 2026 in W.P(MD)No.29975 of 2023, dated
10.03.2026)

(R8 was impleaded as per order of this Court made in W.M.P
(MD)No.55 of 2026 in W.P(MD)No.29975 of 2023, dated
10.3.2026 ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the second respondent to consider the Petitioner's representation dated 12.12.2023 to initiate enquiry to find out the actual manipulation in town survey map with regard to Town Survey No.33, in Ward No.D, Block NO.21, Srinivasapuram, Kodaikanal Taluk, Dindigul District in comparing with the revenue records and the old Survey map within the time stipulated by this Court.

For Petitioner : Mr.P.M.Vishnuvarthanan

For Respondents : Mr.M.Lingadurai
1 to 3, 5 and 6 Spl.Govt. Pleader

For Respondents : Mr.T.S.Mohammed Mohideen



4 and 7

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For Respondent-8 : Mr.R.Shankar Ganesh

ORDER

The Writ Petition is filed for a Mandamus for a direction to the second respondent to consider the Petitioner's representation dated 12.12.2023 to initiate enquiry to find out the actual manipulation in town survey map with regard to Town Survey No.33, in Ward No.D, Block NO.21, Srinivasapuram, Kodaikanal Taluk, Dindigul District in comparing with the revenue records and the old Survey map within the time stipulated by this Court.

2.Upon hearing the learned counsel for the Petitioner and perusing the records, the case of the Petitioner is that when the entry in town survey register with reference to S.No.33 is in the name of private person, now the authorities in order to facilitate some third party to establish a Five Star Hotel, have proceeded to treat S.No.33 as pathway. The entire records are being manipulated. Therefore the Petitioner wants that the matter to be looked into by the second respondent/The Special Commissioner, Commissioner of Land Administration, Chepauk, Chennai-5 with reference to old records and to decide the issue. It is further averred that the entire case arose with reference to the



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prayer made in a Public Interest Litigation. By order dated 22.08.2023 in W.P(MD)No.186 and 18637 of 2020 etc where directions to the Highways Department as well as the local body to conduct a detailed survey in the encroachment made was ordered. The petitioner is not in encroachment of any property. He is in his own town survey number.

3. When that being the position, now the respondents want to manipulate the records to show that as if the Petitioner is in encroachment of the land and also to unduly benefit a third party the entire event is made.

4. The learned Special Government Pleader appearing for the respondents 1 to 3, 5 and 6 would submit that if the title of the Petitioner is concerned with T.S.NO.18, the prayer now sought for with T.S.No33 cannot be countenanced.

5. The learned counsel appearing on behalf of the kodaikanal Municipality would submit that the petitioner had also filed another Writ Petition in W.P(MD)No.3185 of 2025 and after consideration, this Court already found that the Petitioner can only be concerned with T.S.No.18 and not with reference to T.S.No.33. When that being the position, once again the present



Writ petition is filed.

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6.The learned counsel for the newly impleaded private party would submit that many litigations are filed only to confuse the situation, when detailed directions are issued by the Division Bench of this Court in this regard .

7. I have considered the rival sub missions made on either side and perused the materials placed before this Court.

8.The Petitioner is not claiming any proprietary right in respect of T.S.No.33. It is not also his case that he is in encroachment of T.S.No.33 whcih is a private persons property and action cannot be taken either by the Municipality or by the Government. When such is not the case and when the concerned private person aid to be the owner of the property is not questioning the change of records in favour of Local body as pathway, the entire exercise of reconverting the pathway into one of private property cannot be undertaken at the behest of the petitioner.

9.In view thereof, the present prayer cannot be countenanced. As a matter of fact, since the issue is covered by



the earlier order of this Court made in W.P(MD)No.3185 of 2025, dated 3.2.2025, it is essential to extract para 10 and 11 which reads as under:

“10.I do not see the prayer in the Writ petition enlarging the scope of the common order, dated 22.08.2023.In fact, I also in that the Petitioner filed yet another writ petition in W.P(MD)No.29028 of 2024, where there was a challenge laid to the proceedings initiated under Section 128(1)(b) of the Tamil Nadu Urban Local Bodies Act. The said writ petition was disposed of by the Honourable Division Bench of this Court, dated 4.12.2024 permitting the Petitioner to raise all his objections before the Commissioner, Kodaikanal Municipality and thereafter, the proceeding under Section 128(b) was directed to be disposed of in accordance with law.

11.Though the counsel for the respondents has relied on the Town Survey Register, I find that it is only pertaining to Survey No.33 and not T.S.No.18 which is according to the Petitioner owned by him, which appears to be mutated in the name of fifth respondent, who is the private respondent. The second and fourth



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respondents therefore directed to comply with the directions already issued by the Division Bench of this court, dated 22.08.2023 and shall survey the lands including T.S.No.18 and pass final orders regarding encroachment, if any, having made by the Petitioner. On such order being passed, after hearing the Petitioner, then it is open to the third respondent to initiate action for removal of encroachment. The petitioner shall submit all relevant documents to the second and fourth respondents within a period of two weeks from the date of receipt of a copy of this order enclosing the copy of this order and thereafter, the second and fourth respondents shall survey and demarcate the lands in question and also taking into account the holding of patta in T.S.No.18 and thereafter, decide on the issue of encroachment. The said exercise shall be completed within a period of four weeks thereafter."

10. In view thereof, I do not see any right for the Petitioner to seek for a mandamus. Unless it is a Public Interest Litigation, the Petitioner's claim with reference to the survey number cannot be undertaken by referring the matter for enquiry by the authorities. This Court finds no merit in the Writ petition and accordingly, the same stands dismissed. No costs. Consequently, connected



Miscellaneous Petition is closed.

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09.03.2026

NCS : Yes/No

vsn

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7.The Commissioner,
Kodaikanal Municipal Corporation,
Kodaikanal, Dindigul District.

D.BHARATHA CHAKRAVARTHY.,J.



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vsn

ORDER MADE IN

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and

W.M.P(MD)No;25840 of 2023

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