



W.P.(MD)No.34605 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 02.01.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.34605 of 2025

Paramasivan

...Petitioner

Vs

1. The District Collector,
Tenkasi District,
Tenkasi.

2. The Commissioner,
Surandai Municipality,
Surandai,
Tenkasi District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to remove the concrete pillar erected by the second respondent in the petitioner's property comprised in Survey No.91/1, Sivagurunathapuram Village, Veerakeralampudur Taluk, Tenkasi District, in the light of the petitioner's representation dated 22.09.2025.

For Petitioner : Mr.K.Ganesamoorthy



W.P.(MD)No.34605 of 2025

For R-1 : Mrs.D.Farjana Ghousia,
Special Government Pleader

For R-2 : Mr.J.Parekh Kumar,
Standing Counsel

ORDER

The present writ petition has been filed seeking a Mandamus directing the respondents to remove the concrete pillar erected by the second respondent in the petitioner's property comprised in Survey No.91/1, Sivagurunathapuram Village, Veerakeralampudur Taluk, Tenkasi District.

2. According to the learned counsel appearing for the writ petitioner, the property in Survey No.91/1, having an extent of seven cents, is a private property jointly owned by eight persons. Though a joint patta has been issued under Patta No.1100, in violation of the proprietary rights, the second respondent has put up a pillar in Survey No.91/1 for the purpose of constructing a water tank. Hence, the present writ petition.

3. According to the learned Standing Counsel appearing for the second respondent, some of the land owners have orally gifted the said land in favour of the erstwhile Town Panchayat, viz., Surandai Town Panchayat. Therefore, based on the said oral gift, the present Survey No.91/1 is claimed to be a road and therefore, the second respondent is entitled to erect a concrete pillar.



W.P.(MD)No.34605 of 2025

WEB COPY

4. A perusal of the revenue records clearly show that Survey No.91/1 is a private property of the writ petitioner along with seven other persons. No document has been executed by the private persons in favour of the Municipality or the erstwhile Town Panchayat. In such circumstances, the contention of the learned Standing Counsel appearing for the second respondent that it was orally gifted by some of the land owners cannot be accepted.

5. In view of the said deliberations, the writ petition stands allowed with a direction to the second respondent to remove the concrete pillar erected by them in the petitioner's property in Survey No.91/1, Sivagurunathapuram Village, Veerakeralampudur Taluk, Tenkasi District. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. No costs.

02.01.2026

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
TSG



W.P.(MD)No.34605 of 2025

To
The District Collector,
Tenkasi District, Tenkasi.



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W.P.(MD)No.34605 of 2025

R.VIJAYAKUMAR, J.

TSG

W.P.(MD)No.34605 of 2025

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