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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.06.2026**

CORAM:

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

AND

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

W.P.(MD)No.33145 of 2025

Sappani

... Petitioner

Vs.

- 1.The District Collector / District Monitoring Committee,
Sivagangai Collector Office,
Sivagangai District.
- 2.The Revenue Divisional Officer,
RDO Office, Sivagangai Division,
Sivagangai, Sivagangai District.
- 3.The Tahsildar,
Thiruppuvanam Taluk,
Thiruppuvanam,
Sivagangai District.
- 4.The Superintendent of Police,
Sivagangai District,
Sivagangai.
- 5.The Inspector of Police,
Thiruppachethi Police Station,
Thiruppachethi,
Sivagangai District.

6.Rajasekaran

...Respondents



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PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st to 3rd Respondents to remove the encroachment of fencing made by the 6th Respondent in the pathway in Survey No.211/9, Thiruppachethi North Village, Thiruppuvanam Taluk, Sivagangai District by considering the petitioner's representations dated 24.03.2025.

For Petitioner : Mr.A.Jeyaram
For Respondents : Mr.C.Ramalingam (R6)
Mr.S.Venkatesh (R1 & R2)
Government Advocate

ORDER

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

This writ petition has been filed seeking a direction for removal of the alleged encroachment and the fencing put up by the sixth respondent in the petition-mentioned property.

2.The contention of the writ petitioner is that the land in question is Government land, which according to the petitioner is a pathway and that the sixth respondent has encroached upon the same by putting up a fence denying access to the pathway. Therefore, the



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petitioner seeks a direction to the official respondents to remove the said encroachment.

3.The learned Government Advocate appearing for the official respondents, on instructions, submitted that no encroachment whatsoever has been made by the sixth respondent and that the writ petition has been instituted with personal motive. It is further submitted that an assignment patta had originally been granted in favour of the family members of the writ petitioner, but the same was subsequently cancelled by the Revenue Divisional Officer for violation of the conditions of assignment.

4.The learned counsel for the sixth respondent submits that the land in question is classified as natham property and has been in the occupation and enjoyment of the village temple. According to the official respondents, there is no encroachment by the sixth respondent. In support of the said contention, a report has also been filed and placed on record.

5.Per contra, the learned counsel appearing for the petitioner submitted that the petitioner had purchased the property adjacent to the subject property and he is residing there. It is his specific contention that



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the sixth respondent has unlawfully encroached upon the subject property and put up fencing in the pathway denying free access to the petitioner and adjacent land owners. According to the petitioner, he has been deprived of possession and enjoyment of the property on account of the said encroachment.

6. We have heard the learned counsel appearing on either side and perused the materials placed on record.

7. When we carefully perused the affidavit filed in support of this writ petition, we are of the view that the petitioner seeks to establish his easementary right. Whether the petitioner has any way in the subject property is a matter of fact, which has to be decided by adducing proper evidence. It is well settled that such disputed questions, particularly those relating to title, possession, and easementary rights, cannot be adjudicated in proceedings under Article 226 of the Constitution of India. The proper remedy for the petitioner is to approach the competent Civil Court for appropriate relief, where evidence can be adduced and the issues can be decided on merits.



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8. Accordingly, this writ petition is dismissed. There shall be no order as to costs.

[N.S.K., J.] & [M.J.R., J.]
16.06.2026

Index : Yes/No

Internet : Yes

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**N.SATHISH KUMAR, J.
AND
M.JOTHIRAMAN, J.**

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