



W.P(MD)No.1778 of 2026

WEB CODE BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.04.2026

CORAM:

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

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V.Sundari

... Petitioner

VS.

1.The District Collector,
Tenkasi District,
Tenkasi.

2.The Revenue Divisional Officer,
Tenkasi District,
Tenkasi.

3.The Tashildar,
V.K.Pudur Taluk,
Tenkasi District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India
praying for issuance of a Writ of Mandamus directing the third respondent to
execute the order passed by the second respondent vide



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Mu.Mu.A5/8618/2024 dated 02.04.2025, on the basis of the petitioner's representation dated 11.09.2025.

For Petitioner : Mr.M.Sankar
For Respondents : Mr.S.P.Maharajan (R1 to R3)
Special Government Pleader
: Mr.S.M.A.Jinnah (Intervenor)

ORDER

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

The petitioner has filed the present Writ Petition seeking a direction to the third respondent to implement the order passed by the second respondent in Mu.Mu.A5/8618/2024 dated 02.04.2025, based on the petitioner's representation dated 11.09.2025.

2.The grievance of the petitioner is that she had earlier filed W.P.(MD)No.28892 of 2024 seeking a direction to remove the encroachment allegedly made by the respondents 6 to 9 therein by occupying a common



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pathway and putting up a Vinayagar Temple in Survey No.7/1D, Anaiyur Panchayat, Satchiyapuram, Sivakasi Taluk, Virudhunagar District. By order dated 03.12.2024, this Court directed the second respondent to consider the petitioner's representation dated 23.11.2024 and pass appropriate orders on merits after affording opportunity to all concerned parties.

3.Pursuant to the said direction, the second respondent conducted an enquiry and passed a detailed order dated 02.04.2025 in Mu.Mu.A5/8618/2024, holding that the temple structure is situated in a public pathway and directing removal of the encroachments, including the temple structure and temporary fencing, by following due procedure.

4.The petitioner submits that she has complied with the said order by removing the temporary fencing put up by her. However, the temple structure put up by the private respondents have not been removed by the authorities despite the specific direction issued by the second respondent.



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5. In these circumstances, the petitioner made a further representation dated 11.09.2025 requesting the respondents to implement the order dated 02.04.2025. Despite receipt of the same, no action has been taken till date. Hence, alleging inaction on the part of the respondents in implementing the order already passed by the competent authority, the present Writ Petition has been filed.

6. Heard the learned counsel appearing on either side and perused the materials available on record.

7. According to the petitioner, the temple has been constructed on the land in question, thereby obstructing the alleged pathway. However, it is seen that the order of the Revenue Divisional Officer was passed pursuant to the direction issued by this Court in W.P(MD)No.28892 of 2024 dated 03.12.2024, to consider the petitioner's representation dated 23.11.2024. It is brought to the notice of this Court that the said proceedings were initiated without disclosing all material facts. In particular, it is submitted that earlier



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proceedings under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, initiated against the private respondent, were set aside by this Court in W.P(MD)No.7717 of 2026 dated 26.03.2026. Further, it is also not in dispute that the petitioner has already instituted a civil suit in O.S.No.218 of 2024 on the file of the learned Principal District Munsif, Sivakasi, seeking removal of the alleged encroachment. The pendency of the said suit was not disclosed at the relevant point of time while obtaining the earlier direction from this Court.

8.In view of the above, we are of the considered opinion that the proceedings of the Revenue Divisional Officer, Sivakasi cannot be treated as conclusive or binding on the parties, particularly in light of the suppression of material facts and the pendency of the civil suit. Therefore, it is open to the petitioner to agitate her rights before the competent civil Court in O.S.No.218 of 2024 on the file of the learned Principal District Munsif, Sivakasi. Till such adjudication, the order passed by the Revenue Divisional Officer, Sivakasi shall not confer any enforceable right upon either party.



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9.With the above observations, this Writ Petition stands dismissed. There shall be no order as to costs.

[N.S.K.,J.] [M.J.R.,J.]
02.04.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps

To

1.The District Collector,
Tenkasi District,
Tenkasi.

2.The Revenue Divisional Officer,
Tenkasi District,
Tenkasi.

3.The Tashildar,
V.K.Pudur Taluk,
Tenkasi District.

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N.SATHISH KUMAR, J.
and
M.JOTHIRAMAN, J.

ps

ORDER MADE IN
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DATED : 02.04.2026