



WP(MD)No.36568 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 02/01/2026

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THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

WP(MD)No.36568 of 2025
and
WMP(MD)No.29080 of 2025

S.Arun

... Petitioner

Vs.

1. The District Collector,
Thoothukudi,
Thoothukudi District.

2. The Divisional Engineer (Highways),
Construction and Maintenance,
Highways Department,
Tiruchendur Taluk,
Thoothukudi District.

3. The Assistant Divisional Engineer (Highways),
Construction and Maintenance,
Highways Department,
Tiruchendur Taluk,
Thoothukudi District.

4. The Tahsildar,
Tiruchendur Taluk,
Thoothukudi District.

... Respondents



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WEB COPY PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondents, to consider the Petitioner's representation dated 14.12.2025 and to forbear the 3rd Respondent from interfering with the Petitioner's peaceful possession and enjoyment of the property or demolishing the structure.

For Petitioner : Mr.k.Edin Ashiwald
For Respondent : Mr.C.Satheesh
Government Advocate

ORDER

The prayer in this writ petition is to issue a Writ of Mandamus, directing the respondents, to consider the petitioner's representation dated 14.12.2025 and to forbear the 3rd respondent from interfering with the petitioner's peaceful possession and enjoyment of the property or demolishing the structure.

2. Learned counsel for the petitioner would submit that the petitioner is the absolute owner of the property comprised in Survey No.199/2A1, Kandasampura, Village, Endurance Taluk,



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by virtue of sale deed dated 03.10.2024 and patta also stands in the name of his predecessor and now the process for change of patta is going on. While so, the 3rd respondent issued a notice of eviction under the Tamil Nadu Highways Act to the previous owner of the subject property. On coming to know the said notice, the petitioner made a representation dated 14.12.2025 to conduct survey and demarcate the boundaries of the subject property before taking any coercive action. However, the respondents did not consider the said representation, whereas they threatened to demolish the compound wall put up by the petitioner. According to the learned counsel, the petitioner's property is situated in S.No. 199/2A1 whereas the road has been shown in S.No.204 and the respondents misconstruing the said survey number, are attempting to dispossess the petitioner from his property. Hence, the petitioner has filed this writ petition.

3. Learned Government Advocate appearing for the respondents would submit that the subject property is shown as



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road in the village accounts. Further, since the dispute in this case is civil in nature, the petitioner has to approach the Civil Court and get declaration of title in respect of the subject property. He would further submit that the petitioner by way of asking for a direction to consider his representation, he wants to get an order of interim injunction restraining the respondents from interfering with the subject property which is in the petitioner's possession. However, all those aspects cannot be decided in the writ petition and the petitioner has to approach the competent civil court and establish his right and title over the subject property.

4. I find force in the submission made by the learned Government Advocate appearing for the respondents. As per the village accounts, the petitioner has encroached upon the road portion and put up structures. Further, it is the specific case of the petitioner that the subject property is his own property. If at all the petitioner has any claim over the subject property, he has to approach the competent civil court and get declaration of title.



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Sitting under Article 226 of the Constitution of India, this Court cannot decide the title of the petitioner over the subject property. I do not find any merit in this writ petition.

5. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Neutral Citation : Yes / No
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02.01.2026



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KRISHNAN RAMASAMY, J.

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ORDER MADE IN
WP(MD)No.36568 of 2025

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