



W.P(MD)No.36308 of 2025

WEB CODE BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2026

CORAM:

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

W.P(MD)No.36308 of 2025

M.Neethirajan

... Petitioner

VS.

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Commissioner,
The Madurai Corporation Commissioner Office,
Arignar Anna Maligai,
Thallakulam,
Madurai District.
- 3.The Revenue Divisional Officer,
The Revenue Divisional Office,
Madurai District.
- 4.The Tashildhar,
Madurai North Taluk,
Madurai District.

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5.R.Dinesh Kumar
6.J.Udhayakumar

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to take immediate steps to remove the encroachments made by respondents 5 and 6 in old Survey No.212/3, New Survey No.106, Viswanthanagar, K.Pudur, Thalakulam Taluk, Madurai North, Madurai District, in accordance with the proceedings in Oo.Mu.E.No.3805737/2025/I, dated 25.09.2025 issued by the 3rd respondent and ensure that the said pathway is restored for free public access within time stipulated by this Court.

For Petitioner : Ms.S.Meena

For Respondents : Mr.D.Sasi Kumar (R1, R3 & R4)
Additional Government Pleader

: Mr.K.Sanjai Gandhi (R2)
Government Advocate

: Ms.J.Vidhya (R5)

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 respondents 1 to 4 to take immediate steps to remove the



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encroachments made by the respondents 5 and 6 in Old Survey No.212/3, New Survey No.106, situated at Viswanthanagar, K. Pudur, Thalakulam Taluk, Madurai North, Madurai District, in accordance with the proceedings in Oo.Mu.E.No.3805737/2025/I dated 25.09.2025 issued by the third respondent and to ensure that the said pathway is restored for free public access.

2.It is the contention of the petitioner that the respondents 5 and 6 have encroached upon the said pathway by constructing houses and putting up fences, thereby obstructing public access. It is further contended that, pursuant to the representation submitted by the petitioner, the third respondent, vide proceedings dated 25.09.2025, directed the authorities concerned to remove the encroachments. Since no effective action has been taken so far, the petitioner has filed the present Writ Petition.

3.The second respondent / Commissioner, Madurai Corporation, has filed a counter affidavit stating that certain encroachments were found



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on the public pathway identified as a “street”. Therefore, the Corporation issued notices dated 22.01.2026 to the respondents 5 and 6 under Section 128(1) and (2) of the Tamil Nadu Urban Local Bodies Act, 1998, calling upon them to remove the identified encroachments. It is further stated that the sixth respondent has removed the encroachment made by him. However, the fifth respondent has not removed the encroachment. Hence, the Corporation sent a letter dated 02.03.2026 to the fifth respondent directing him to remove the encroachment. The fifth respondent appeared in person and sought time to remove the encroachment on the ground that his wife is suffering from illness.

4.However, refuting the same, the learned counsel appearing for the fifth respondent submitted that there is only a minimal encroachment in front of his house and that it does not cause any obstruction to the public. Therefore, it was submitted that the fifth respondent may be permitted to continue.



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5.Considering the above facts and circumstances, this Court is of the view that such encroachments on a public pathway cannot be permitted to continue. This Court cannot legalize such encroachments. Therefore, the authority concerned is directed to remove the encroachments, after affording sufficient opportunity of hearing to all the parties concerned, including the respondents 5 and 6, and by following due process of law. Such an exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition stands disposed of.

There shall be no order as to costs.

[N.S.K.,J.] [M.J.R.,J.]
11.03.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes
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ORDER MADE IN
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DATED : 11.03.2026