



Rev.Apl.W(MD)No.230 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 28.04.2026

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MS.JUSTICE R.POORNIMA**

Rev.Apl.W.(MD)No.230 of 2023

in

W.P.(MD)No.23231 of 2021

and

W.M.P.(MD)Nos.23766, 23767 and 23768 of 2023

V.Alagammal

... Petitioner

Vs

1.K.Velayutham

2.The District Collector,
Madurai District,
Madurai.

3.The Revenue Divisional Officer,
Madurai, Madurai District.

4.The Tahsildhar,
Madurai North Taluk,
Madurai District.

5.The Madurai Corporation,
Rep.by its Commissioner,
Arignar Anna Maligai,
Thallakulam,
Madurai - 625 002.

... Respondents



Rev.Apl.W(MD)No.230 of 2023

Prayer: Review Application is filed under Section 114 r/w. Order XLVII of the Civil Procedure Code, to review the order of this Court in W.P.(MD)No.23231 of 2021 dated 12.10.2022.

For Petitioner : No appearance

For Respondents : Mr.S.Vinodh,
Govt. Advocate for R2 to R4.
Mr.K.K.Kannan for R5

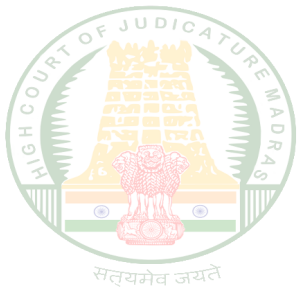
ORDER

(Order of the Court was delivered by G.R.Swaminathan, J.)

None appeared for the review applicant on 27.04.2026. Hence, the case stands posted today ie., 28.04.2026 under the caption “for dismissal”. Event today also, there is representation for the review applicant.

2.We went through the materials on record. One Velayutham had filed W.P.(MD)No.23231 of 2021 for removing the encroachment said to have been committed by the review applicant on a public pathway. The writ petition was disposed of by the Hon'ble Division Bench on 12.10.2022 in the following terms:-

“2.According to the petitioner, the fourth respondent has encroached a public pathway and seeking to remove the



WEB COPY

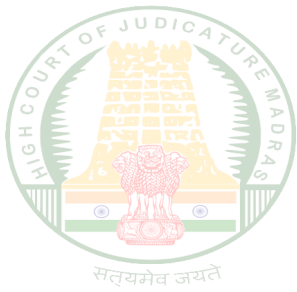


Rev.Apl.W(MD)No.230 of 2023

same, he made a representation dated 28.10.2020 to the first respondent and based on the petitioner's representation, the third respondent conducted a survey and vide proceedings in Na.Ka.No.6818/2020/A5, dated 04.08.2021 found that the fourth respondent has made encroachment as alleged by the petitioner and accordingly, directed her to remove the same. However, when the third respondent proceeded to remove the encroachment, the fourth respondent filed a civil suit in O.S.No. 441 of 2021, before the District Munsif Court, Madurai, seeking declaration and permanent injunction and the same is pending. According to the petitioner, since the said encroachment is on a public pathway, under Sections 6 and 14 of the Tamil Nadu Land Encroachment Act, 1905, the authority concerned is duty bound to remove the same by due process of law.

3.The learned Government Advocate appearing for the respondents 1 to 3, on instructions, submitted that the encroachment, as alleged by the petitioner, would be removed in the manner known to law.

4.In view of the above submissions, the authority concerned is directed to remove the encroachment, if any, made by the fourth respondent in the subject area, after giving due notice and sufficient opportunity to all the parties concerned and by following due process of law, within a period of eight (8) weeks from the date of receipt of a copy of this order.”



Rev.Apl.W(MD)No.230 of 2023

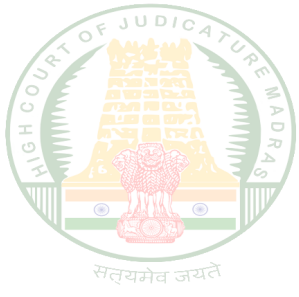
3.Merits of the matter were not gone into and the authorities have only been directed to adopt due process of law. The petitioner has been given the fullest opportunity to place her case as and when eviction action is taken. The petitioner's rights have not been infringed or prejudiced. There is no merit in this review application and it stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.S. J.,) & (R.P. J.,)
28.04.2026

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

To:

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Revenue Divisional Officer,
Madurai, Madurai District.
- 3.The Tahsildhar,
Madurai North Taluk,
Madurai District.



WEB COPY



Rev.Apl.W(MD)No.230 of 2023

**G.R.SWAMINATHAN, J.
and
R.POORNIMA, J.**

ias

Rev.Apl.W.(MD)No.230 of 2023
in
W.P.(MD)No.23231 of 2021

28.04.2026