



**W.P.(MD) No.35417 of 2025**

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 10.12.2025**

**CORAM:**

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN  
and  
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

**W.P.(MD) No.35417 of 2025**

N.Ramakkal

... Petitioner

-vs-

- 1.The District Collector /  
Monitoring Committee  
Virudhunagar
- 2.The Tahsildar  
Aruppukkottai Taluk  
Virudhunagar
- 3.The Zonal Deputy Tahsildar  
Aruppukkottai Taluk  
Virudhunagar
- 4.The Block Development Officer  
Mandabasalai Village  
Aruppukkottai Taluk  
Virudhunagar
- 5.Muthuraj

... Respondents



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**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 2 and 3 to remove the encroachment obstructing the access of the common pathway runs in S.No. 548/22 in Mandabasalai Village, Aruppukkottai Taluk, Virudhunagar District, as per the proceedings in Na.Ka. A2/4870/2023 dated 22.09.2025 .

For Petitioner : Mr.R.Suriya

For Respondents : Mr.S.P.Maharajan  
Special Government Pleader for R1 to R3  
Mr.S.R.A.Ramachandran  
Additional Government Pleader for R4

**ORDER**

**[Order of the Court was made by DR.G.JAYACHANDRAN, J.]**

Mr.S.P.Maharajan, learned Special Government Pleader, takes notice for the respondents 1 to 3 and Mr.S.R.A.Ramachandran, learned Additional Government Pleader, takes notice for the fourth respondent.

**2.** Learned counsel for the petitioner states that the fifth respondent has damaged the common pathway in Survey No.548/22 in Mandabasalai Village, Aruppukkottai Taluk, Virudhunagar District, and has put up a septic tank illegally. He would further submit that based on the



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representation dated 08.05.2023, given by the petitioner to the first respondent, there was a spot inspection conducted by the revenue authorities and a notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, was issued to the fifth respondent to remove the illegal structure put by him. However, despite the said notice, the fifth respondent has not removed the illegal structure and the respondents are also not taking necessary action to remove the same. He would further submit that taking advantage of the inaction on the part of the official respondents, the fifth respondent has filed a suit before the Principal District Munsif Court, Aruppuukkottai, for declaration and permanent injunction as against the petitioner and the official respondents herein.

**3.** Learned Special Government Pleader appearing for the respondents 1 to 3, on instructions, substantially agrees with the averments made in the affidavit filed in support of this writ petition and he submitted that before the official respondents are taking any action to remove the illegal structure, the fifth respondent approached the Civil Court and hence, the official respondents are not able to take any further action, despite causing a notice under Section 6 of the Tamil Nadu Land Encroachment Act, 1905.



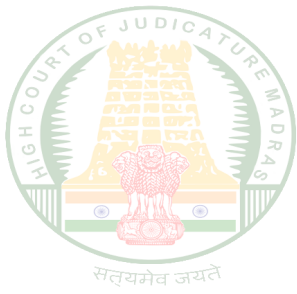
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**4.** Learned counsel for the petitioner would submit that the suit filed by the fifth respondent is not maintainable in view of Section 14 of the Tamil Nadu Land Encroachment Act, 1905, and in fact, there is no interim order granted in favour of the fifth respondent herein in the said suit and hence, there is no impediment for the official respondents to proceed with the action pursuant to the notice issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905.

**5.** Taking into consideration the above submissions, we are of the view that the authorities concerned cannot allow the illegal structure / encroachment in the public pathway and if it is ascertained after due process, the same has to be removed forthwith. In this case, we make it clear that pendency of the suit filed by the fifth respondent is not the impediment for the official respondents to proceed with the action pursuant to the notice issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905.

**6.** The official respondents are directed to file a status report before this Court on the next date of hearing.



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**7.** Post the matter on 20.01.2026.

**8.** Notice to the fifth respondent returnable by then. Private notice is also permitted.

**[G.J., J.]                      [K.K.R.K., J.]**  
**10.12.2025**

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

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To:

- 1.The District Collector /  
Monitoring Committee,  
Virudhunagar.
- 2.The Tahsildar,  
Aruppukkottai Taluk,  
Virudhunagar.
- 3.The Zonal Deputy Tahsildar,  
Aruppukkottai Taluk,  
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**AND**  
**K.K.RAMAKRISHNAN, J.**

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