



WEB COPY

W.P.No.20871 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN

THILAKAVADI

W.P.No.20871 of 2024

1. Chidambaram
2. Subramanian

... Petitioners

Vs.

1. The Secretary
Department of Municipal Administration
Namakkal Kavingar Maaligai
Fort St.George
Government of Tamil Nadu
Chennai
2. Director of Town Panchayat
7th & 8th Floor, Urban Administrative Building
75, Santhome High Road
Pattinampakkam, MRC Nagar
Raja Annamalaipuram
Chennai – 600 028
3. The District Collector
Coimbatore District Collector Office
State Bank Road, Gopalapuram
Coimbatore District



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4. The Assistant Director
Town Panchayat Administration
Coimbatore Zone
3rd Floor, Collectorate
Coimbatore – 641 018
5. The Executive Officer
Irugur Town Panchayat
Market Road
Irugur, Coimbatore – 103
6. S.Madhavan

7. S.Deivanai

8.B.Vinoth Prabhu

9. Uma Maheshwari

10. N.Parthasarathy

11. N.Nandhakumar

12. The Tahsildar
Sulur, Coimbatore District

... Respondents

(R12 suo motu impleaded vide this order)

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the official respondents 1 to 5 to take appropriate action and inspect the layout compared with the approved layout plan Approval No.604/91 and remove the encroachment made in S.No.315/3B, Irugur Town Panchayat, Coimbatore.

For Petitioner : Mr.P.R.Balasubramanian

For Respondents : Mr.T.K.Saravanan

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Govt. Advocate for R1 to R4 & R12

Mr.V.Ramesh

Government Advocate for R5

ORDER

[Order of the Court was made by M.SUNDAR, J.,]

Captioned main 'Writ Petition' ['WP' for the sake of brevity] pertains to alleged encroachment in a 'piece of land comprised in S.No.315/3B, Irugur Town Panchayat, Coimbatore' [hereinafter 'said land' for the sake of brevity].

2. Mr.P.R.Balasubramanian, learned counsel for writ petitioner submits that R6 to R11 are the alleged encrochers and that they have encroached upon a public pathway in a approved layout which has been approved vide Lay out Plan No.604/1991.

3. Issue notice to official respondents i.e., issue notice regarding admission.



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4.Mr.T.K.Saravanan, learned Government Advocate accepts notice for R1 to R4 and R12 and Mr.V.Ramesh, learned Government Advocate accepts notice for R5.

4. Learned State counsel submits on instructions that R5 has sent a communication dated 09.05.2024 to the jurisdictional Tahsildar, Sulur, Coimbatore District requesting the jurisdictional Tahsildar to survey the said land and proceedings will be initiated if the report of the Tahsildar finds encroachment.

5. Learned State counsel has placed before us written instructions from R5 in this regard.

6. In the light of the stated position of the learned State counsel, the legal perimeter within which the captioned main WP should now perambulate has dwindled vastly and therefore, with the consent of learned counsel on both sides, main WP was taken up.

7. We are acutely conscious that R6 to R11 are private respondents and they are not before us. Therefore, we will be putting in a safety valve as



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regards R6 to R11 infra as the matter is being disposed of in the Admission Board.

8. Before we do that, we deem it appropriate to *suo motu* implead the jurisdictional Tahsildar i.e., Tahsildar, Sulur, Coimbatore District as R12. Registry to carry out necessary and consequential amendments in the case file as well as in the copy of the order before uploading / before issuing certified copies.

9. We dispose of the captioned WP recording the stated position of the learned State counsel and writing that the survey shall go on and based on the survey report, the proceedings can either be given a closure or culminate in removal of encroachment proceedings depending on the contents. Either way, copy of the survey report shall be furnished to the writ petitioner as well as R6 to R11. It is open to writ petitioner and R6 to R11 to assail the survey report, if so advised and if so desired in a manner known to law.

10. To be noted, this is the safety valve we are putting in as regards R6 to R11. If the survey report does not result in closure and it culminates in removal of encroachment proceedings, all the parties concerned will be put on notice in accordance with the provisions for being show-caused. This



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will further take care of the interest of the private respondents and protects their rights if any.

11. We make it clear that if the survey culminates in proceedings for removal of encroachment, removal of encroachment shall be restricted to public pathway alone and not to any private land. Captioned WP disposed of in the aforesaid manner with the aforesaid directives with the further observation that the aforementioned exercise shall be completed by R5, R12 and all concerned as expeditiously as their business would permit but in any event within 16 weeks i.e., by 26.11.2024. There shall be no order as to costs.

(M.S.,J.) (K.G.T.,J.)
30.07.2024
(½)

Index : Yes / No
Neutral Citation : Yes / No
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