



W.P.No.25074 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2024

CORAM :

THE HON'BLE MR.D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.No.25074 of 2024

Rajendran

Vs

.. Petitioner

- 1.The Collector,
Office of Collectorate,
Dharmapuri District.
- 2.The District Revenue Officer,
Dharmapuri District.
- 3.The Revenue Divisional Officer,
Dharmapuri District.
- 4.The Thasildar,
Pappireddipatti Taluk,
Dharmapuri District.
- 5.The Village Administrative Officer,
Puliyampatti Village,
Pappireddipatti Taluk,
Dharmapuri District.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus to forbear respondents 1 to 4 from putting up the road in Survey No.205/2B, Unisenahalli Village, Pappireddipatti Taluk, Dharmapuri District in connection with the new proposal made by the fifth respondent and consequently direct the



W.P.No.25074 of 2024

respondents 1 to 4 to restore the Odai situated in Survey No.205/2B to its original state of 60 feet by removing the encroachment made in the Survey No.205/2B.

For the Petitioner : Mr.M.Selvam

For Respondents : Mr.T.K.Saravanan
Government Advocate
for respondents 1 to 5

ORDER

(Order of the Court was made
by the Hon'ble Acting Chief Justice)

The petitioner has filed this writ petition seeking issuance of a writ of mandamus to forbear respondents 1 to 4 from putting up the road in Survey No.205/2B, Unisenahalli Village, Pappireddipatti Taluk, Dharmapuri District, in connection with the new proposal made by the fifth respondent and to consequently direct respondents 1 to 4 to restore the Odai situated in Survey No.205/2B to its original state of 60 feet by removing the encroachment made in the Survey No.205/2B.

2. When the matter was taken up for hearing, Mr.T.K.Saravanan, learned Government Advocate, on instructions,



W.P.No.25074 of 2024

submitted that the petitioner himself is an encroacher in respect of the land to an extent of 400 meters in Survey No.168/2. There are around eleven encroachers in all and the respondents sought two months time to proceed in accordance with the provisions of the Tamil Nadu Land Encroachment Act, 1905 and remove the encroachments.

3. Inasmuch as the petitioner himself is an encroacher, we questioned his *locus standi* to file the present writ petition seeking removal of encroachments. In reply, learned counsel for the petitioner submitted that the petitioner shall remove the encroachment on his own, without any further notice. The said undertaking is recorded.

4. We direct respondents 1 to 5 to survey the land in question and invoke the provisions of the Tamil Nadu Land Encroachment Act, 1905, if any encroachments are found. If the petitioner has not removed the encroachment on his own, the respondent authorities shall take necessary action to remove the encroachment



W.P.No.25074 of 2024

without any notice considering the undertaking given by learned counsel for the petitioner before this court. The entire exercise shall be concluded by the respondent authorities within two months from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly. There shall be no order as to costs.

(D.K.K., ACJ.) (P.B.B, J.)
02.09.2024

Index : Yes/No
NC : Yes/No

sasi

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W.P.No.25074 of 2024

THE HON'BLE ACTING CHIEF JUSTICE
AND
P.B.BALAJI, J.

(sasi)

W.P.No.25074 of 2024

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