



W.P.No.3024 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2025

Coram

THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MRS.JUSTICE **K.GOVINDARAJAN THILAKAVADI**

W.P.No.3024 of 2025

&

W.M.P No.3304 of 2025 in W.P.No.3024 of 2025

Subramaniyan

S/o.Mr.Chinnasamy

.. Petitioner

VS

1. The District Collector

Cuddalore District

Cuddalore

2. The Sub-Collector

Virudhachalam Revenue Division

Virudhachalam

Cuddalore District

3. The Tahsildar

Thittakudi Taluk

Thittakudi

Cuddalore District



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4. The Zonal Deputy Tahsildar
Thittakudi Taluk
Thittakudi
Cuddalore District

5. Mr.Velu
S/o.Mr.Periyasamy

6. Mr.Sampath
S/o.Kandhasamy .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing respondents 1 to 4 to remove the encroachments made by Respondents 5 and 6 in the Odai in S.No.33, situated at Thittakudi Revenue Village, Thittakudi Taluk, Cuddalore District and to restore said Odai to its original position.

For Petitioner : Mr.M.R.Jothimanian

For Respondents : Mr.T.K.Saravanan
Govt. Advocate for R1 to R4

ORDER

(Order of the Court was made by M.SUNDAR, J.)

Captioned main 'Writ Petition' ['WP' for the sake of brevity] has been filed alleging encroachment in 'S.No.33 in Keezhathanur Village,



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Titagudi Taluk, Cuddalore District' [hereinafter 'said land' for the sake of brevity and convenience].

2. Mr.M.R.Jothimanian, learned counsel on record for the writ petitioner adverting to the case file and photocopies of the relevant portions of 'A' Register therein submitted that said land is a water body i.e., a Odai (ஓடை) and sought removal of alleged encroachment therein. Learned counsel also submitted that R5 and R6 (private respondents) are the alleged encroachers, R3 has already been petitioned but there has been inaction and that has necessitated the captioned WP.

3. Issue notice to official respondents.

4. Mr.T.K.Saravanan, learned Government Advocate accepts notice for R1 to R4.

5. Mr.T.K.Saravanan, learned State counsel for official respondents submits, on instructions, that complaint of the writ petitioner has been activated and a survey is scheduled to be held on 05.02.2025 (Wednesday) at 11.00am. Learned State counsel also submits, on



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instructions, that notices have been served to all concerned including R5 and R6. We make it clear that all the rights and contentions of R5 and R6 will stand preserved (untrammelled by this order) for responding to notices, if they are show-caused i.e., if encroachments are found in the said survey on the anvil and if R5 and R6 are found to be encroachers. As the rights and contentions of R5 and R6 are preserved, there is no impediment in having the main WP taken up in the Admission Board with the consent of learned State counsel and learned counsel for writ petitioner.

6. Learned counsel for writ petitioner made a request that he may also be permitted to be present when the survey is conducted day-after-tomorrow i.e., on 05.02.2025 at 11.00 am. Learned State counsel submits that there is no objection in this regard. This submission is recorded and it is open to the writ petitioner to be present when survey is conducted.



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7. Post survey if any encroachment is found, action in accordance with appropriate/applicable Statute/s will be commenced and concluded as expeditiously as the business of official respondents would permit is learned State counsel say. This necessarily means that encroachers (if any) will be show-caused/given an opportunity. Therefore, we deem it appropriate to dispose of the captioned main writ petition recording the stated position of the learned State counsel. We do so.

Captioned WP disposed of in the aforesaid manner. Captioned WMP thereat is also disposed of as closed. There shall be no order as to costs.

[M.S., J]

[K.G.T., J]

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Index: Yes/No

Speaking order / Non-speaking order

gpa

P.S. I: Upload forthwith

P.S.II : All concerned including Registry of Madras High Court to act forthwith on the uploaded soft copy of this proceedings as uploaded in the official website of this Court. To be noted, the soft copies uploaded in the official website of this Court are water marked, besides being QR Coded.



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