



W.P.No.3082 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 03.02.2025

Coram

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

and

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

W.P.No.3082 of 2025

M.Senthilkumar

S/o.Mathivanan

.. Petitioner

VS

1. The District Collector

Salem

Salem District

2. The Tahsildar

Omalur Taluk

Salem District

3. The Block Development Officer

(Village Panchayat)

Omalur

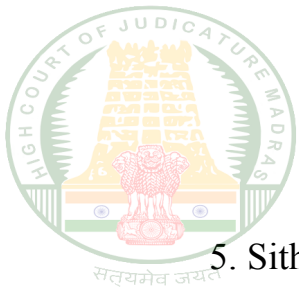
Omalur Taluk, Salem District

4. The Revenue Inspector

Karuppur

Omalur Taluk

Salem District



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5. Sitheswaran

S/o.Avinasipandaram

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing respondents 1 to 3 to remove the encroachment over public pathway in Survey No.31, 126-3, 4, 5, 6, 129-5 & 129-9 made by respondents 5 and 6 at Kottagoundampatti Village, Omalur Taluk, Salem District.

For Petitioner : Ms.D.Sahithya

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 with a mandamus prayer i.e., a direction to R1 to R3 to remove alleged encroachment in 'S.Nos. 31, 126-3, 4, 5, 6, 129-5 & 129-9 in Kottagoundampatti Village, Omalur Taluk, Salem District' [hereinafter 'said lands' for the sake of convenience].



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2. Ms.D.Sahithya, learned counsel for writ petitioner submits that there is encroachment in public pathway in said lands and repeated request to the official respondents are in vain and that has necessitated the captioned main WP.

3. Issue notice to official respondents.

4. Mr.T.K.Saravanan, learned Government Advocate accepts notice for R1 to R4 and submits, on instructions, that said lands are patta lands. Learned State counsel draws our attention to relevant part of 'A' Register qua S.No.126. However, we find that S.No.31/part has been shown as 'தார் சாலை (Tar Road)'.

5. Be that as it may, the prayer of the writ petitioner is *inter alia* with regard to entire S.No.31. Therefore, it is necessary that a survey is done by R2 to ascertain if there is any encroachment in public pathway and if that be so, initiate action in accordance with law thereafter. Learned State counsel submits that a survey of said lands will be conducted by R3 as expeditiously as the business of R3 permits but in



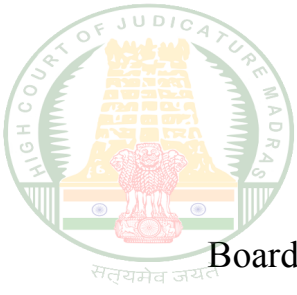
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any event in eight weeks from today i.e., on or before 31.03.2025 after

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notifying all concerned including the writ petitioner.

6. Learned State counsel submits that in the survey, if any encroachments come to light, action will be initiated under the appropriate/applicable Statute. Initiation of proceedings under appropriate/applicable Statute necessarily means that private respondents (R5 and R6) and/or any other encroacher shall be show-caused. We make it clear that all the rights and contentions of private respondents (R5 and R6) and/or any other person, who may be show-caused qua said lands post survey, are preserved for making a suitable response. Likewise, as already alluded to supra, all concerned will be notified before survey. This means that rights and contentions of private respondents are preserved and it further means that there is no impediment in taking up the main WP. Therefore, considering the narrow scope of the main WP, main WP was taken up in the Admission



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Board with the consent of learned State counsel and learned counsel for writ petitioner.

7. Considering the nature of the matter and facts and circumstances of the case, we deem it appropriate to write that it will suffice to dispose of the captioned main WP by recording the stated position of the learned State counsel. We do so.

Ergo, the sequitur is, captioned WP disposed of recording the stated position of learned State counsel. 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

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