



W.P. No.10370 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR
and
THE HONOURABLE MRS. JUSTICE R. KALAIMATHI

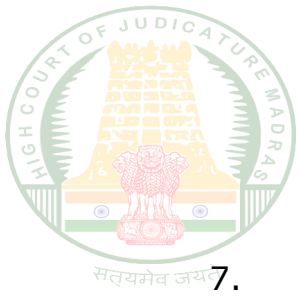
W.P.No.10370 of 2025 and W.M.P.No.11667 of 2025

A.G. Mahendiran

Petitioner

vs.

1. The District Collector
Collectorate Office
Salem 636 001
2. The Sub Collector
Mettur Dam
3. The Tahsildar of Mettur Taluk
Taluk Office
Mettur Dam
4. The Block Development Officer
Block Development Office
Nangavalli Post
Nangavalli
Mettur Taluk
5. The Assistant Engineer
Block Development Office
Nangavalli Post
Mettur Taluk
6. The Executive Engineer
P.W.D. (Water Management)
Mettur Dam 636 401



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7. The Gonur West Panchayat
represented by its President
Santhathanapatti Village
Andikarai Post
Mettur Taluk

8. S. Ramachandran (Ex-Ward Member)

9. A. Sivan (Ex-Ward Member

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records from the seventh respondent panchayat and to quash the resolution dated 20.05.2024 of Gonur West Village Panchayat for laying road in S.No.691 of Odai (stream) and to give directions to Tahsildar, Mettur Taluk, the third respondent herein, to remove the encroachments made by the respondents 7 to 9 in accordance with law within a time frame.

For petitioner Mr. V. Sekar

For RR 1 to 3 Mr. T.K. Saravanan
Additional Government Pleader

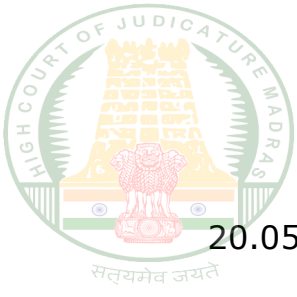
For RR 4 to 7 Mr. S. Balamurugan
Government Advocate

ORDER

[made by M. SUNDAR, J.]

Captioned main 'writ petition' (hereinafter 'WP' for the sake of brevity) has been filed with a prayer for issue of a certiorarified mandamus. The certiorari limb of the prayer assails a resolution dated

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20.05.2024 made by Gonur West Village Panchayat (ஊராட்சி) in its meeting held on that day regarding laying of road in Survey No.691 in Gonur West Village, Mettur Taluk, Salem District (hereinafter 'said property' for the sake of convenience and clarity).

2. Mr. V. Sekar, learned counsel on record for writ petitioner, submits that said property is a water body *i.e.*, ஓடை (stream) and therefore, laying of road in a water body is impermissible. Learned counsel submits that the writ petitioner owns agricultural lands in Survey Nos.688/2A, 688A/2C, 688A/3 and 688A/10 and 688A/4 in Gonur West Village, Mettur Taluk, Salem District (hereinafter 'writ petitioner's agricultural lands' for the sake of convenience and clarity) and writ petitioner's agricultural lands are under severe threat owing to the proposal to lay road in a water body.

3. Issue notice to official respondents (RR 1 to 7).

4. Mr. T.K. Saravanan, learned Additional Government Pleader, accepts notice for RR 1 to 3 and Mr. S. Balamurugan, learned Government Advocate, accepts notice for RR 4 to 7.



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5. Mr. T.K. Saravanan, learned State counsel submits, on instructions, that the work of laying road in said property has now been stopped. This submission is recorded.

6. Learned State counsel submits that the tenure of the elected members of the local body elapsed in January of 2025 and therefore, RR 8 and 9 are not Ward Members now. Likewise, as regards R7, it is submitted that there is no President for the local Panchayat and R4 is holding the fort as a Special Officer. This submission also is recorded. Therefore, we dispense with notice to RR 7 to 9.

7. In the light of the narrative thus far, there is no impediment in this Court taking up the captioned main WP in the Admission Board *i.e.*, Motion List, with the consent of learned State counsel and learned counsel on record for writ petitioner. We do so.

8. As regards the grievance of the writ petitioner, the same stands doused owing to the stated position of the learned State



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counsel that work of laying road in said property has been stopped.

This gives a closure to the certiorari limb of the prayer.

9. The mandamus limb of the prayer pertains to removal of encroachments said to have been made by RR 7 to 9. Learned State counsel submits, on instructions, that the writ petitioner himself is an encroacher *qua* said property. We express no opinion or view on this at this juncture but we make it clear that R4 or any other appropriate State authority shall now commence action for removal of encroachment *qua* said property by putting on notice alleged encroachers, be it R8 or R9 or any other alleged encroacher. In this regard, as we have dispensed with notice to RR 7 to 9, it is made clear that this order does not touch upon the rights and contentions of RR 7 to 9 or any other alleged encroacher and on the contrary, we leave open all the rights and contentions of RR 7 to 9 as well as writ petitioner to be raised in their response when show caused *i.e.*, when proceedings for removal of encroachment commences under appropriate/applicable statute.

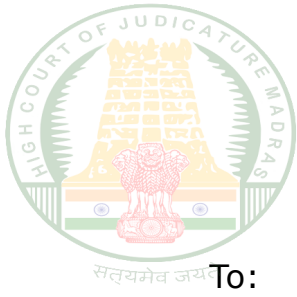


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10. *Ergo*, the sequitur is, captioned main WP stands disposed of in the aforesaid manner. Consequently, connected writ miscellaneous petition thereat is disposed of as closed. There shall be no order as to costs.

**(M.S., J.) (R.K.M., J.)
28.03.2025**

cad
Index : Yes/No
NC : Yes/No



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