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W.P.No.9097 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MRS.JUSTICE **K.GOVINDARAJAN THILAKAVADI**

W.P.No.9097 of 2025

B.Elumalai

... Petitioner

Vs.

- 1.The Commissioner,
Land Administration,
Ezhilagam, Chepauk,
Chennai – 600 005.
- 2.The District Collector,
Chengalpet District,
Chengalpet.
- 3.The Commissioner,
Tambaram Municipality,
Chennai – 600 045.
- 4.Revenue Divisional Officer,
Revenue Divisional Office,
Tambaram, Chennai District.
- 5.The Tasildhar,
Tambaram, Chennai.
- 6.The Deputy Inspector of Survey,
Revenue Division Office,
Tambaram,
Chennai – 600 045.

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7.Executive Engineer,
Kizhpalaru Vadinila Kottam,
Kanchipuram.

8.A.N.Pammai Rani

9.K.Suburaj

10.C.Balu

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 7 to remove the encroachment made by the respondents 8 to 10 in Survey No.175, Perungalathur Village, Tambaram Taluk, Chengalpet District within a time period as fixed by this Court.

For Petitioner : Mr.C.Senapathi

For Respondents : Mr.T.K.Saravanan,
Additional Government Pleader
for R1 to R7

ORDER

[Order of the Court was made by **K.GOVINDARAJAN THILAKAVADI, J.,**]

Captioned writ petition has been filed with a mandamus prayer to direct the respondents 1 to 7 to remove the encroachments made by respondents 8 to 10 in Survey No.175, Perungalathur Village, Tambaram Taluk, Chengalpet District.

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2. Mr.C.Senapathi, learned counsel for writ petitioner submits that the writ petitioner owns lands in Old Survey No.177/3, Perungalathur Village, Tambaram Taluk, Chengalpet District and the respondents 8 to 10 have encroached upon the Government poramboke land in Survey No.175, obstructing the ingress and egress to the petitioner's land. Hence the petitioner submitted a representation on 05.11.2022 to respondents 1 and 2. Pursuant to the representation, the seventh respondent vide letter dated 02.12.2022 sent a communication to the petitioner stating that steps will be taken for removing the encroachment. Since no action was taken on the representation, the petitioner again sent many representations. Since no action was taken for removal of the said encroachments, the petitioner is constrained to file the present writ petition.

3. Issue notice.

4. Mr.T.K.Saravanan, learned Additional Government Pleader accepts notice for respondents 1 to 7.

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5. Considering the limited scope of the captioned writ petition, main writ petition is taken up in the Admission Board with the consent of learned counsel on both sides, preserving all the rights and contentions of private respondents R8 to R10.

6. Learned Additional Government Pleader submits that a joint survey will be conducted by the fifth respondent and if any encroachment is found, the same will be removed in accordance with law.

7. Considering the above stated position of the learned Additional Government Pleader the following order is made:

7.1 A joint survey shall be conducted by the fifth respondent within a period of two weeks from today i.e., on or before 03.04.2025 and if any encroachment is found, show cause notice shall be issued to R8 to R10 and any other encroacher(s) under 'The Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity}';



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7.2 If any representation is received within the time limit i.e., within seven days, said representation shall be considered by appropriate authority before passing final orders;

7.3 Final orders as per said 1905 Act shall be passed within a period of two weeks therefrom i.e., on or before 17.04.2025;

7.4 A copy of the final orders shall be served upon the writ petitioner as well as private respondents R8 to R10 under due acknowledgement within five working days from the date on which the order is made;

7.5 Since R8 to R10 are not before this Court, all their rights and contentions are preserved.

8. With the above direction and observation, present writ petition stands disposed of. There shall be no order as to costs.

(M.S.,J.) (K.G.T.,J.)
20.03.2025

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Neutral Citation : Yes / No
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**M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,**

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