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W.P.No.9019 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2025

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THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

W.P.No.9019 of 2025

Meenakshi
D/o.Palaniyappan

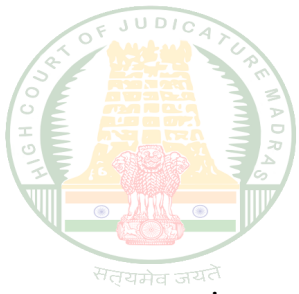
...Petitioner

Vs

1. State of Tamil Nadu
Rep. by its Principal Secretary
Department of Municipal Administration,
Urban and Water Supply
Secretariat, Chennai-600 009.
2. The Commissioner
Salem Corporation
Salem.
3. Thilagam
W/o.Paramasivam
4. Vivek
S/o.Paramasivam

...Respondents

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Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 and 2 to remove the encroachments made by respondents 3 and 4 on Rajapuram 2nd Cross Street of Salem Corporation on the basis of representation dated 05.01.2025.

For Petitioner : Mr.P.Murali
For Respondents : Mr.T.K.Saravanan
Additional Government Pleader
for R1
Mr.V.Parthiban
for Ms.N.Devi,
Standing Counsel, for R2

ORDER

[Order of the Court was made by **M.SUNDAR, J.,**]

Subject matter of the captioned 'Writ Petition' {hereinafter 'WP' for the sake of brevity, clarity and convenience} is 'the road in Rajapuram 2nd Cross Street of Salem Corporation' {hereinafter 'said land' for the sake of brevity, convenience and clarity}.

2. Prayer in the captioned WP is predicated on a 'representation dated 05.01.2025' {hereinafter 'said representation' for the sake of brevity, convenience and clarity} wherein, writ petitioner has alleged encroachment in said land and sought removal of the same.



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WEB COPY 3. Inaction on the part of official respondents has necessitated the captioned WP is Mr.P.Murali, learned writ petitioner's counsel say.

4. Issue notice to official respondents i.e., R1 & R2.

5. Mr.T.K.Saravanan, learned Additional Government Pleader, accepts notice for R1 and Mr.V.Parthiban, learned counsel representing Ms.N.Devi, learned Standing Counsel, accepts notice for R2 and both learned State Counsel submit in one voice that survey of said land by jurisdictional Tahsildar is in the anvil, survey report will be drawn up and if encroachments are found, suitable action under appropriate Statute will be initiated.

6. Suitable action under appropriate Statute necessarily means that private respondents i.e., R3 & R4 and/or any other alleged encroacher/s will be show-caused.



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7. This Court makes it clear that all rights and contentions of private respondents i.e., R3 & R4 and/or any other alleged encroacher(s)/noticee(s) who is/are show caused, shall stand preserved untrammelled by this order. This further means that this order does not touch upon the rights of private respondents i.e., R3 & R4 and/or any other alleged encroacher(s)/noticee(s).

8. In this view of the matter, there is no impediment in taking up the main WP in the Admission Board with the consent of learned counsel for writ petitioner and learned State Counsel. We do so.

9. Learned State Counsel submits that survey which is in the anvil will be done within four weeks from today i.e., on or before 18.04.2025. Learned State Counsel further submits that survey report will be drawn up and if any encroachment/s is/are found, suitable action under appropriate Statute will be commenced within another four weeks therefrom i.e., on or before 16.05.2025.



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10. This Court is of the considered view that it will suffice, if the stated position of learned State Counsel is recorded for giving a closure to the captioned WP.

Captioned WP disposed of recording the stated position of learned State Counsel (to be noted, it is recorded as an undertaking given by learned State Counsel). There shall be no order as to costs.

[M.S.,J.]

[K.G.T.,J.]

21.03.2025

Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order

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To

1. State of Tamil Nadu
Rep. by its Principal Secretary
Department of Municipal Administration,
Urban and Water Supply
Secretariat, Chennai-600 009.
2. The Commissioner
Salem Corporation
Salem.

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