



WEB COPY



W.P. No.5740 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2025

CORAM:

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

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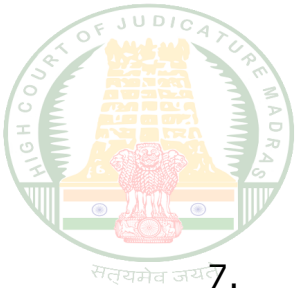
K. Subramani

Petitioner

vs.

1. The District Collector
Collectorate
Salem
Salem District 636 001
2. The District Revenue Officer
Collectorate
Salem
Salem District 636 001
3. The Revenue Divisional Officer
Revenue Divisional Office
Attur
Salem District 636 117
4. The Tahsildar
Pethanaickenpalayam Taluk
Salem District 636 109
5. The Block Development Officer
(Village Panchayat)
Pethanaickenpalayam Taluk
Salem District 636 109
6. Ramakrishnan

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7. Duraisamy
8. Raji
9. Murugesan
10. Kaviyarasan
11. Chinnapaiyan
12. Pazhani
13. Subramani
14. Muthusami
15. Seenivasan
16. Sugumar
17. Koothan
18. Selvamurugan
19. Anbarasan
20. Arulmani
21. Gandhiraji
22. Suryaprakash

Petitioners

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 5 to remove the illegal encroachments made by respondents 6 to 22 on



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stream, pond, pathway, Nilaviyal Lake, Nilaviyal Pathai, Government dry land (Government land) and to restore the stream, pond, pathway, Nilaviyal Lake, Nilaviyal Pathai and Government dry land to their original shape and condition comprising in Survey Nos.352/1C, 356, 346, 286, 288/10, 350/2B, 351/3A, 351/3E, 343/2, 345, 285, 287/2, 288/1, 279, 280, 281, 348/1, 348/3, 349/1, 360, 361, 364, 365/1, 355, 330, 331, 332, 333, 334/5, 334/6 and 334/8B situated at Panaimadal Village and Post Pethanaickenpalayam Taluk, Salem District within Registration District of Salem, Sub Registration District of Pethanaickenpalayam, within a time frame.

For petitioner	Mr. J. Agni Selvaraju
For RR 1 to 4	Mr. T.K. Saravanan Additional Government Pleader
For R5	Mr. A.M. Ayyadurai Government Advocate

ORDER

[made by M.SUNDAR, J.]

In the captioned 'writ petition' (hereinafter 'WP' for the sake of brevity), writ petitioner has sought a mandamus *qua* 31 survey numbers in Panaimadal Village, Pethanaickenpalayam Taluk, Salem District alleging that lands in those 31 survey numbers are stream,

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pond, pathway, etc. and further alleging that those lands have been encroached upon by RR 6 to 22 affecting writ petitioner's rights *qua* writ petitioner's property.

2. Issue notice to official respondents.

3. Mr. T.K. Saravanan, learned Additional Government Pleader, accepts notice for RR 1 to 4 and Mr. A.M. Ayyadurai, learned Government Advocate, accepts notice for R5.

4. Mr. T.K. Saravanan, learned State counsel for RR 1 to 4 submits, on instructions, that lands in S.Nos.355 and 334/8B are patta lands.

5. Therefore, lands in remaining 29 survey numbers will be referred to as 'public lands' for the sake of convenience and clarity. If the writ petitioner is aggrieved by the submission of learned State counsel for RR 1 to 4 that S.Nos.355 and 334/8B are patta lands, it is open to the writ petitioner to work out remedy in the appropriate forum *inter alia* by making a representation.



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6. Learned State counsel for RR 1 to 4 submits that survey *qua* public lands is on the anvil and if encroachment/s is/are found, suitable action under appropriate/applicable statute will be initiated. 'Suitable action under appropriate/applicable statute will be initiated' would necessarily mean that, be it R6 to R22 or any other alleged encroacher/s, they will be show caused and they will be given an opportunity, is learned State counsel's say.

7. We make it clear that when show caused, all the rights and contentions of R6 to R22 and other alleged encroacher(s), if any, will stand preserved untrammelled by this order. In other words, we are not passing any order adverse to RR 6 to 22 and on the contrary, we are preserving all the rights and contentions of RR 6 to 22 and other alleged encroacher/s, when show caused. Therefore, there is no impediment in taking up the WP with the consent of learned State counsel and learned counsel on record for writ petitioner. We do so.

8. In the light of the narrative thus far, the following order is made:

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(i) There shall be a survey of public lands by R4 as expeditiously as the business of R4 permits but in any event within a period of 12 weeks from today *i.e.*, on or before 16.05.2025;

(ii) In the survey, if any encroachment/s is/are noticed, the alleged encroacher(s), be it RR 6 to 22 or any other person/entity, shall be show caused.

(iii) When show caused, the rights of RR 6 to 22 and other alleged encroacher/s are preserved to send a suitable response;

(iv) The response of RR 6 to 22 and/or other alleged encroacher/s shall be considered on their own merits and in accordance with law untrammelled by this order; and

(v) The entire exercise will be commenced and concluded (obviously if encroachment is noticed in survey) as expeditiously as the business of official respondents permits but latest by twelve weeks from the date on which timeline for survey elapses *i.e.*, by 08.08.2025.



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WEB COPY Captioned WP stands disposed of in the aforesaid manner. There shall be no order as to costs.

**(M.S., J.) (K.G.T., J.)
21.02.2025**

cad	
Index	: Yes/No
NC	: Yes/No



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