



WEB COPY



W.P.No.7648 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2025

CORAM

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

and

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

W.P.No.7648 of 2025

Chinnaiya alias K.Balasubramanian

... Petitioner

Vs.

- 1.The District Collector,
Office of the District Collector,
Cuddalore District.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Virudhachalam Taluk,
Cuddalore District.
- 3.The Tahsildar,
Virudhachalam,
Office of the Tahsildar,
Virudhachalam Taluk,
Cuddalore District.
- 4.The Block Development Officer
(Village Panchayat),
Panchayat Union Office,
Virudhachalam Taluk,
Cuddalore District.



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5.The Town Surveyor/Taluk Surveyor,
Office of the Town Surveyor/Taluk Surveyor
Virudhachalam Taluk,
Cuddalore District.

6.The Village Administrative Officer,
Office of the Village Administrative Officer,
Paravalur Village, Virudhachalam Taluk,
Cuddalore District.

7.Sundaramoorthy

8.T.Ravi

9.Kavitha

10.Rajangam

11.Palayya

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the respondents 2 to 4 to consider the representation made by petitioner dated 13.11.2024 to remove the encroachment made by the illegal occupants including the Respondent Nos.7 to 11 in the public road of south street of the Paravalur Village Survey Nos.197/4, 350/1, 350/3, 349/1, 349/2, 349/3, 349/4, 349/5, 349/6, 349/7, 349/8, 349/9 and 348/1, 348/2, 348/3, 348/4, 348/5, 348/6, 348/7, 348/8 by conducting the survey of the entire stretch of the land.

For Petitioners : Mr.A.K.Rajaraman

For Respondents : Mr.M.S.Arasakumar,
Government Advocate
for R1 to R3, R5 and R6
Mr.G.Prassanna,
Government Advocate for R4



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ORDER

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

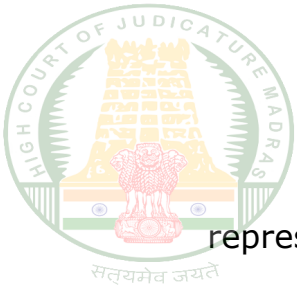
Captioned main 'Writ Petition' (hereinafter 'WP' for the sake of brevity) has been filed with a mandamus prayer qua alleged encroachment in public road.

2. Mr.A.K.Rajaraman, learned counsel on record for writ petitioner adverting to the case file submitted that R7 to R11 have encroached upon public road, representations more particularly, representation dated 13.11.2024 has not yielded results and that has necessitated the captioned WP is learned counsel's further say.

3. Issue notice to official respondents.

4. Mr.M.S.Arasakumar, learned Government Advocate accepts notice for R1 to R3, R5 and R6 and Mr.G.Prassanna, learned Government Advocate accepts notice for R4.

5. Learned State counsel submits that multiple survey numbers have been mentioned both in the prayer in the WP and in the



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representation dated 13.11.2024 all in Paravalur Village, Virudhachalam Taluk, Cuddalore District but only some of the survey numbers are Government lands/public lands. According to learned State counsel, the survey numbers which are public lands/Government lands are Survey Nos.197/4, 348/1, 348/7, 349/1, 349/6, 350/1 and 350/3.

6. Learned State counsel submits that survey of Government lands/public lands will be conducted by R3 [Tahsildar, Virudhachalam Taluk, Cuddalore District] and if any encroachment as alleged or otherwise is found, suitable action under appropriate statute will be initiated by show causing R7 to R11 and/or other encroachers, if any. This puts in a safety valve qua private respondents R7 to R11. We add to the safety valve by making it clear that all rights and contentions of R7 to R11 and/or any other noticee/alleged encroacher will stand preserved for responding suitably when show caused. As the rights and contentions of private respondents and/or other possible noticees/encroachers are preserved, there is no impediment in the captioned main WP being taken up in the Admission Board. We do so with the consent of learned counsel on both sides.

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7. Learned State counsel submits that survey of Government lands/public lands adverted to supra will be done by R3 within six weeks from today i.e., on or before 16.04.2025 and if any encroachment is found, suitable action will be initiated under appropriate statute and the proceedings will be commenced within another two weeks therefrom i.e., on or before 30.04.2025.

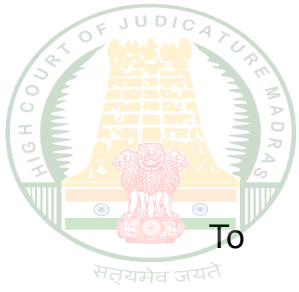
8. We deem it appropriate to give a closure to the captioned main WP by recording the stated position of learned State counsel.

9. Captioned WP is disposed of recording the stated position of learned State counsel and preserving the rights and contentions of the private respondents in the aforesaid manner. There shall be no order as to costs.

(M.S.,J.) (K.G.T.,J.)
05.03.2025

Index : Yes / No
Neutral Citation : Yes / No
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To

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**M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,**

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