



W.P.No.11555 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2025

CORAM:

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

W.P.No. 11555 of 2025

R. Ramesh

Petitioner

vs.

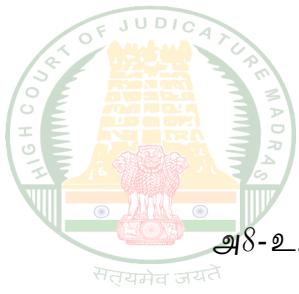
1. The District Collector
Chengalpattu District
Collector's Office
Chengalpattu 603 001
2. The Commissioner
St. Thomas Mount
Panchayat Union Office
at Chittlapakkam
Chennai 600 064
3. The President
Nanmangalam Panchayat
St. Thomas Mount
Chittlapakkam
Chennai
4. The Tahsildar
Tambaram Taluk
Chengalpet District

Respondents

(R4 impleaded *suo motu* by Court today)

Writ Petition filed under Article 226 of the Constitution of India
seeking a writ of certiorari calling for the records in ந.க.எண் 781/2024/

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अ०-२.३(२०२४) dated 29.08.2024 of the first respondent and quash the same and consequently, direct the respondent to conduct an enquiry as directed by High Court *vide* order dated 25.03.2022 in W.P.No.6872 of 2022.

For petitioner Mr. S. Venkatesan
For respondents Mr. T.K. Saravanan
Additional Government Pleader

ORDER

[made by M. SUNDAR, J.)

Captioned 'writ petition' {hereinafter 'WP' for the sake of brevity} has been filed with a prayer for issue of a writ of certiorari assailing an order dated 29.08.2024 bearing reference ந.க.எண் 781/2024/அ०-२.३(२०२४) made by R1 (District Collector) {hereinafter 'impugned order' for the sake of convenience and clarity}.

2. Mr. S. Venkatesan, learned counsel on record for writ petitioner, submits that the subject matter of captioned WP is 'access road to Survey No.179/1B part (New S.No.179/3) in Nanmangalam Panchayat, St.Thomas Mount Panchayat Union, Chengalpet District' {hereinafter 'said access road' for the sake of convenience and clarity} and alleged encroachment by way of construction of a compound wall in said access road.

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3. In and *vide* the impugned order, R1 has held that there is an access to Survey No.179/3 *vide* layout and on that ground, negatived the request to take action for demolishing the compound wall.

4. Learned counsel for writ petitioner submits that the impugned order is not traceable to any provision of law or statute.

5. Issue notice to respondents.

6. Mr. T.K. Saravanan, learned Additional Government Pleader, accepts notice for all three respondents and very fairly submits that the impugned order has been made by R1 without conducting a survey and therefore, on that ground, the impugned order deserves to be rolled back.

7. The aforesaid stated position of the learned State counsel *i.e.*, fair stand taken by learned State counsel makes the legal drill at hand fairly simple. In this view of the matter, captioned WP is taken up



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in the Admission Board with the consent of learned counsel on both sides.

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8. Learned counsel for writ petitioner, adverting to order dated 12.09.2023 in W.P.No.25189 of 2023, submits that he would not press into service this order and he would not make any claim based on this order as it is admitted by learned counsel for writ petitioner also that there is no provision of law under which R1 can make the impugned order. This submission is recorded.

9. We *suo motu* implead Tahsildar, Tambaram Taluk, Chengalpet District as R4 in the captioned WP and this is for the purpose of conducting survey. Mr.T.K. Saravanan, learned Additional Government Pleader, accepts notice for newly impleaded R4.

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

- i. Impugned order dated 25.03.2022 bearing reference ந.க.எண் 781/2024/அ8-உ.இ(உள்) made by R1 stands withdrawn;
- ii. R4 shall now conduct a joint survey after putting on



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notice writ petitioner and all others concerned;

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- iii. A survey report shall be drawn up and in the survey, if any encroachment is noticed, appropriate action shall be initiated under Sections 130, 131 and/or any other appropriate provision(s) of the Tamil Nadu Panchayats Act, 1994 {Tamil Nadu Act 21 of 1994}' {hereinafter 'said Act' for the sake of brevity, convenience and clarity};
- iv. If encroachment is noticed resulting in action under under Sections 130, 131 and/or any other appropriate provision(s) of the Panchayats Act, we make it clear that all the rights and contentions of writ petitioner and/or any other encroacher who may be show caused, shall stand preserved and for this purpose, all questions are left open;
- v. The aforementioned survey shall be conducted by R4 within a period of six weeks from today *i.e.*, on or before 15.05.2025; and
- vi. If encroachment is noticed, action under Sections 130 and 131 and/or any other appropriate provisions of the Panchayats Act, shall be commenced within four weeks therefrom *i.e.*, on or before 12.06.2025.



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11. Captioned WP stands disposed of in the aforesaid manner

with aforesaid directives and preservation of rights and contentions in the aforesaid manner. There shall be no order as to costs.

(M.S., J.) (K.G.T., J.)
03.04.2025

cad
Index : Yes/No
NC : Yes/No



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M.SUNDAR, J.

and

K. GOVINDARAJAN THILAKAVADI, J.

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