



W.P.No.30189 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2025

CORAM

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

and

THE HONOURABLE MR. JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.30189 of 2025

T.Jayabalan

Petitioner

vs.

1.The District Collector,
Collector Office,
Kallakurichi – 606 202.

2.Thasildar,
Chinnasalem, Kallakurichi District.

3.The Executive Officer,
Chinnasalem Special Grade Town
Panchayat Office,
Chinnasalem – 606 201.

4.C.Sekar

Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying to issue a writ of mandamus directing the respondents 1 to 3
herein to restore the pathway in S.No.33/1 in Chinnasalem North
Village and provide access to the petitioner and his family.

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For Petitioner .. Mr.K.Siva Subramanian
For Respondents .. Mr. T.K. Saravanan
Additional Government Pleader
for R1 to R3

ORDER

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

Subject matter of captioned 'Writ Petition' [hereinafter 'WP' for the sake of brevity] is alleged encroachment in a 'public pathway at Survey No.33/1, Near Chinnasalem North Village, Kallakurichi District' (hereinafter 'said land' for the sake of convenience and clarity)

2. Request for removal of aforementioned alleged encroachment by way of representations dated 01.11.2024 and 16.11.2024 has not yielded results and that has necessitated captioned WP, is the submission of learned counsel for writ petitioner.

3. Issue notice to official respondents.

4. Mr.T.K. Saravanan, learned Additional Government Pleader, accepts notice for official respondents/R1 to R3.

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5. Learned State counsel, submits, on instructions, that a survey will be conducted, after putting all concerned on notice and in their presence, within eight weeks from today *i.e.*, on or before 07.10.2025 and if encroachments are found, action will be commenced under 'The Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity}.

6. If there are encroachments, action against private respondent and/or any other other encroacher(s) necessarily means that they would be show caused. This Court makes it clear that all rights and contentions of private respondent and/or any other encroacher(s) are preserved if they are show caused and this order does not touch upon their rights. Therefore, we dispense with notice to private respondent/R4 and take up the captioned WP in the Admission Board itself with the consent of learned counsel for writ petitioner and learned State counsel.

7. In the light of the narrative thus far, captioned WP is disposed of in the aforesaid manner, recording the stated position of



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learned State counsel that survey will be done within a period of eight weeks from today, *i.e.*, on or before 07.10.2025, after putting all concerned on notice and in their presence and action, if any, under the said 1905 Act, will be commenced as expeditiously as the business of official respondents would permit but in any event within a period of eight weeks therefrom *i.e.*, on or before 02.12.2025. There shall be no order as to costs.

(M.S., J.) (H.C., J.)
12.08.2025

Index:Yes/No
Neutral Citation:Yes/No
mmi

To

- 1.The District Collector,
Collector Office,
Kallakurichi – 606 202.
- 2.The Thasildar,
Chinnasalem, Kallakurichi District.
- 3.The Executive Officer,
Chinnasalem Special Grade Town
Panchayat Office,
Chinnasalem – 606 201.

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M.SUNDAR, J.
and
HEMANT CHANDANGOUDAR, J.

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