



W.P. No.7074 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2025

WEB COPY

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

W.P.No. 7074 of 2025 and W.M.P.No. 7811 of 2025

R. Padmavathi

Petitioner

vs.

1. The District Collector
Salem District, Salem
2. The Revenue Divisional Officer
Attur Revenue Division
Attur, Salem District
3. The Tahsildar
Pethanaickenpalayam Taluk
Salem District
4. The Block Development Officer
Pethanaickenpalayam Panchayat Union
Pethanaickenpalayam Taluk
Salem District

5. Anand

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to remove the encroachment made by the 5th respondent which is classified as "road poramboke" comprised in survey No.291/29, situated at Puthiragoundenpalayam Village, Pethanaickenpalayam Taluk, Salem District based on the representation dated 17.02.2023.

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For petitioner	Mr. C. Prabakaran for Mr. E. Kannadasan
For RR1 to 3	Mr. T.K. Saravanan Additional Government Pleader
For R4	Mr. P. Karunanithi

ORDER

[made by M.SUNDAR, J.]

Captioned main 'writ petition' (hereinafter 'WP' for the sake of brevity) has been filed with a mandamus prayer *i.e.*, to mandamus official respondents to take action *qua* alleged encroachment by R5 (private respondent – Anand) in 'S.No.291/29, Puthiragounden Palayam Village, Pethanaicken Palayam Taluk, Salem District' (hereinafter 'said land' for the sake of convenience and clarity).

2. Mr. C. Prabakaran, learned counsel, representing Mr.E.Kannadasan, learned counsel on record for writ petitioner, submits that said land has been classified as 'road poramboke', repeated requests to official respondents have been in vain and that has necessitated the captioned main WP.

3. Issue notice to official respondents, *i.e.*, RR 1 to 4.

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4. Mr. T.K. Saravanan, learned Additional Government Pleader, accepts notice for RR 1 to 3 and Mr. P. Karunanithi, learned counsel, accepts notice for R4.

5. Mr. T.K. Saravanan, learned State Counsel, submits, on instructions, that R3 (Tahsildar) has already sent a communication dated 28.02.2025 to the jurisdictional Surveyor to conduct a survey *qua* said land. Learned State counsel also submits that in the survey, if any encroachment is found, suitable action will be initiated after show causing R5 and/or any other alleged encroacher/s.

6. We make it clear that all the rights and contentions of R5 and/or any other alleged encroacher/s/noticee(s) who is/are show caused, shall stand preserved untrammelled by this order. Therefore, there is no impediment in taking up the main WP in the Admission Board. We do so with the consent of the learned counsel on both sides.



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7. The learned State counsel submits that survey will be completed as expeditiously as the business of R3 would permit but in any event within a period of six weeks from today *i.e.*, on or before 16.04.2025.

8. We deem it appropriate to record the stated position of the learned State counsel and give a closure to the captioned main WP. We do so.

9. Captioned main WP stands disposed of in the aforesaid manner. Consequently, captioned writ miscellaneous petition thereat is disposed of as closed. There shall be no order as to costs.

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

cad
Index : Yes/No
NC : Yes/No



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M.SUNDAR, J.

and

K. GOVINDARAJAN THILAKAVADI, J.

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