



WEB COPY



W.P. No.7963 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2025

CORAM:

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

W.P.No.7963 of 2025

Anbzhagan

Petitioner

vs.

1. The District Collector
Collector's Office
Salem
Salem District
2. The Revenue Divisional Officer
RDO's Office
Salem
Salem District
3. The Tahsildar
Pethanaickenpalayam Taluk
Salem District
4. Palanisamy
5. Satish
6. Venkatesh
7. Pichaiyan

Respondents



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Writ Petition filed under Article 226 of the Constitution of India

seeking a writ of mandamus directing the respondents 1 to 3 to remove the encroachments made by respondents 4 to 7 in S.Nos.252/3, 252/9 and 252/12, pathway, belonging to the Revenue Department as per revenue records in Soolankurichi Village, Pethanaickenpalayam Taluk, Salem District and restore the lands for pathway.

For petitioner	Mr. K. Raja
For RR 1 to 3	Mr. T.K. Saravanan Additional Government Pleader

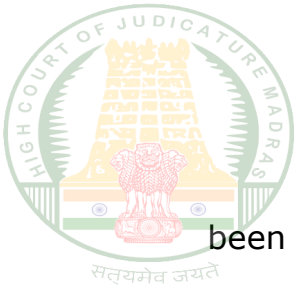
ORDER

[made by M. SUNDAR, J.]

Subject matter of captioned 'writ petition' (hereinafter 'WP' for the sake of brevity) are 'lands comprised in Survey Nos.252/3, 252/9 and 252/12, all in Soolankuruchi Village, Pethanaickenpalayam Taluk, Salem District' (hereinafter 'said lands' for the sake of convenience and clarity).

2. Mr. K. Raja, learned counsel for writ petitioner, advertng to the case file and more particularly, a copy of the 'A' register in the typed set of papers, submits that S.No.252/3 has been classified as ஓணி, S.No.252/9 has been classified as பாசை and S.No.252/12 has

Page Nos.2/6



W.P. No.7963 of 2025

been classified as கல்வலாங்கு and all survey numbers together *i.e.*,

said lands, constitute public pathway, is learned counsel's further say.

It is also submitted by learned counsel for writ petitioner that RR 4 to 7 (private respondents) have encroached upon said lands, repeated representations are in vain and that has necessitated the captioned WP.

3. Issue notice to official respondents *viz.*, RR 1 to 3.

4. Mr. T.K. Saravanan, learned Additional Government Pleader, accepts notice for official respondents, *viz.*, RR 1 to 3 and submits, on instructions, that survey *qua* said lands has been completed as regards S.No.252/3, removal of encroachment proceedings have already been initiated against one Ponnusamy (father of R4) under 'the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' (for brevity 'said 1905 Act'), Section 7 notice and Section 6 orders have already been made. It is further submitted by learned State counsel that as regards S.No.252/9 and S.No.252/12, proceedings under said 1905 Act will be initiated against alleged encroachers.

Page Nos.3/6



W.P. No.7963 of 2025

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5. Initiation of proceedings against alleged encroachers under said 1905 Act means that they should necessarily be show caused under Section 7. This, in effect, means that the alleged encroachers/noticees will be given an opportunity to show cause. Therefore, there is a safety valve *qua* RR 4 to 7 and other alleged encroacher/s. Though obvious, for the sake of specificity, we also make it clear that all the rights and contentions of RR 4 to 7 and/or alleged encroacher(s) / noticee(s) will stand preserved to take all points available to them while responding to the show cause notice.

6. In this view of the matter, owing to safety valve and owing to preservation of rights of private respondents, there is no impediment in the captioned WP being taken up in the Admission Board. We do so with the consent of the learned counsel on both sides.

7. Considering the facts and circumstances of the case, we are of the considered view that it will suffice to record the stated position of the learned State counsel and add that the removal of encroachment proceedings shall be commenced/concluded as



W.P. No.7963 of 2025

expeditiously as the business of the official respondents permits in order to give a closure to the captioned WP. We do so.

8. Captioned WP stands disposed of in the aforesaid manner recording the stated position of the learned State counsel. There shall be no order as to costs.

(M.S., J.) (K.G.T., J.)
10.03.2025

cad
Index : Yes/No
NC : Yes/No



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K. GOVINDARAJAN THILAKAVADI, J.

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W.P. No.7963 of 2025

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Page Nos.6/6