



W.P.No.8347 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2025

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

and

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

W.P.No.8347 of 2025

S.D.Sankar

... Petitioner

Vs.

1.The Assistant Director/P.A. To District Collector,
Survey Records, Collectorate,
Erode – 11.

2.The Tahsildar,
Modakkurichi Taluk, Modakkurichi,
Erode District.

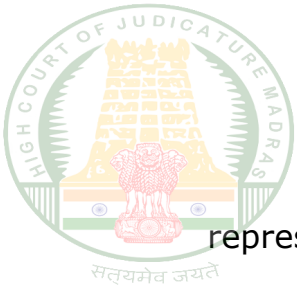
3.The Taluk Surveyor,
Taluk Office, Modakkurichi,
Erode District.

4.Muthusamy

... Respondents

Writ Petition filed under Article 226 of The Constitution of India
praying to issue a Writ of Mandamus to direct the second respondent
to remove the encroachment made by the fourth respondent in
Nilaviyal Vaikkal situated in R.S.No.72/10, Kangayampalayam Village,
Modakurichi Taluk, Erode District by disposing the written

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representation made by the petitioner on 31.01.2024 within a stipulated time.

For Petitioner : Ms.P.Dharani
for Mr.C.Prakasam

For Respondents : Mr.T.K.Saravanan,
Additional Government Pleader
for R1 to R3

ORDER

[Order of the Court was made by **K.GOVINDARAJAN THILAKAVADI, J.,**]

Captioned writ petition is filed with a mandamus prayer to direct the second respondent [Tahsildar, Erode District] to remove the alleged encroachment made by the fourth respondent in 'Nilaviyal Vaikkal situated in R.S.No.72/10, Kangayampalayam Village, Modakurichi Taluk, Erode District' (hereinafter 'said land' for the sake of convenience and clarity) and dispose of the written representation made by the petitioner on 31.01.2024.

2. Ms.P.Dharani, learned counsel representing Mr.C.Prakasam, learned counsel on record for writ petitioner submits that there exists a Nilaviyal Vaikkal in R.S.No.72/10, Kangayampalayam Village, Modakurichi Taluk, Erode District, which is now encroached by the

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fourth respondent and therefore, the writ petitioner submitted a written representation on 31.01.2024 to the first respondent for removal of said encroachment. Since no action is taken by the official respondents, the writ petitioner is constrained to file the present writ petition.

3. Issue notice.

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

5. Mr.T.K.Saravanan, learned Additional Government Pleader on instructions submits that since the alleged encroachment is in Nilaviyal Vaikkal, the officials are ready to survey the said land and if any encroachment as alleged or otherwise is found, suitable action under 'The Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007' (hereinafter 'Tanks Act' for the sake of convenience and clarity) will be initiated by show causing R4 and/or other encroachers, if any. This puts in a safety valve qua private respondent/ R4. We add to the safety valve by making it clear that all



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rights and contentions of R4 and/or any other noticee/alleged encroacher will stand preserved for responding suitably when show caused. As the rights and contentions of private respondent 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.

6. Considering the above facts and circumstances, we deem it appropriate to pass the following order:

6.1 The second respondent with the assistance of the third respondent/Taluk Surveyor shall survey the said land within a period of three weeks from today i.e., on or before 02.04.2025 after putting on notice the writ petitioner as well as fourth respondent;

6.2 If any encroachment is found in the said land, appropriate authority shall initiate action under Tanks Act or any other appropriate statute to remove the alleged encroachment in the said land by show causing the fourth



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respondent and/or any other encroacher before any action is taken to remove the alleged encroachment;

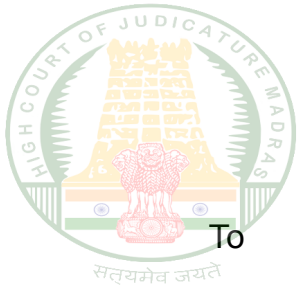
6.3 If any representation is received from the fourth respondent, the same shall be considered by the appropriate authority before passing any final orders;

6.4 A copy of the final order shall be served on the writ petitioner and the fourth respondent.

7. With the above directions, captioned writ petition is disposed of. There shall be no order as to costs.

(M.S.,J.) (K.G.T.,J.)
12.03.2025

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

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