



W.P.No.11654 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 02.04.2025

CORAM

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

and

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

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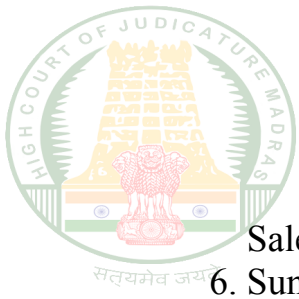
Chellamuthu
S/o.Ramasamy

... Petitioner

vs.

1. The District Collector
Office of Collectorate
Salem District
2. The Director
Tamil Nadu Boothan Board cum Land Reforms
Chepauk
Chennai – 5
3. The Assistant Commissioner
Hindu Religious and Charitable Endowments
Salem District
4. The Revenue Divisional Officer
Attur Taluk
Salem District
5. The Tahsildar
Attur Taluk

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Salem District

6. Sundaram

... Respondents

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Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 05.02.2025 for removal of encroachment made in Survey No.39/1, 38/1, 11 at Udayampatti Village, Narsingapuram Post, Attur Taluk, Salem District within a time frame fixed by the Court.

For Petitioner : Mr.V.Gunasekar

For Respondents : Mr.T.K.Saravanan
Additional Government Pleader
for R1, R2, R4 and R5

Mr.N.R.R.Arun Natarajan
Special Govt. Pleader (HR & CE)
for R3

ORDER

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

Captioned writ petition has been filed for removal of encroachment in Survey Nos.39/1, 38/1 and 11 at Udayampatti Village, Narsingapuram Post, Attur Taluk, Salem District.

2. The writ petitioner asserts that he owns agricultural land in S.Nos.38/3, 38/4, 39/3 and 39/10 Udayampatti Village, Narsingapuram

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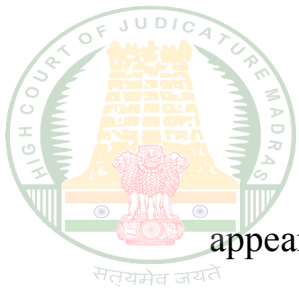
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Post, Attur Taluk, Salem District. The petitioner and his neighbours are using the lands in Survey Nos.39/1 and 38/1, as pathway/cart track which belongs to Boomi Dhana Variyam and land in Survey No.11 which belongs to the Sanjeeverayar kovil to reach their agricultural land. While that being so, the sixth respondent has encroached upon the said lands and constructed a shed. Hence, the writ petitioner sent a representation dated 05.02.2025 to the official respondents herein for removal of the said encroachment. On receipt of the representation, the writ petitioner received a communication from the second respondent i.e., The Director, Tamil Nadu Boothan Board cum Land Reforms, Chennai stating that the District Revenue Officer has been directed to take appropriate action based on the writ petitioner's representation. However, no action has been taken till date which compelled the writ petitioner to file the present writ petition before this Court.

3. Issue notice to official respondents.

4. Mr.T.K.Saravanan, learned Additional Government Pleader accepts notice for R1, R2, R4 ad R5 and Mr.N.R.R.Arun Natarajan, learned Special Government Pleader (HR & CE) accepts notice for R3.

5. Mr.N.R.R.Arun Natarajan, learned Special Government Pleader



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appearing for R3 submits that the land in Survey No.11 belong to the Sanjeeverayar kovil as per revenue records, and that, survey will be conducted and if any encroachment is found, action will be initiated under Section 78 of 'The Tamil Nadu Hindu Religious and Charitable Endowment Act, 1959 (Act 22 of 1959)' [hereinafter 'TN HR & CE Act' for the sake of brevity].

6. Mr.T.K.Saravanan, learned Additional Government Pleader submits that R5 (Tahsildar, Attur Taluk, Salem District) would conduct survey in Survey Nos.39/1 and 38/1 and if any encroachment is found in the said land, action will be taken in accordance with law under the appropriate Statute.

7. Considering the above submissions, the following order is passed:

i) R5 shall conduct a survey in lands comprised in S.Nos.39/1 and 38/1 and also in S.No.11 within a period of four weeks from today i.e.,on or before 30.04.2025 and draw a survey report;



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ii) If any encroachment is found in Survey No.11,

WEB COPY R2 and R3 shall initiate action under Section 78 of HR & CE Act for removal of alleged encroachment after putting on notice the alleged encroachers in accordance with law;

iii) With respect to lands in Survey No.39/1 and 38/1, the appropriate authority shall initiate action under 'The Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity, convenience and clarity} for removal of alleged encroachment after putting on notice alleged encroachers or any other persons;

iv) If any representation is received from the alleged encroachers, the same shall be considered on its own merits and in accordance with law before passing any final order. Thereafter, if any encroachment is found the appropriate authority shall take action under the said 1905 Act for removal of alleged encroachment.



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With the above directions, this writ petition is disposed of. There

shall be no order as to costs.

(M.S.,J.)

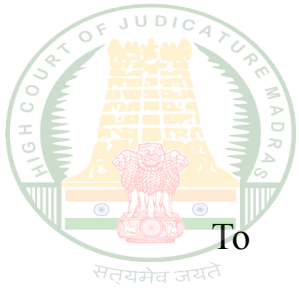
(K.G.T.,J.)

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Neutral Citation : Yes/No

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To

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**M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,**

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