



WEB COPY



W.P. No.23405 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2025

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

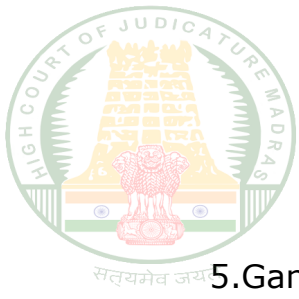
WP No.23405 of 2025

G.Boopathi
S/o Gunasekaran,
Karutharajapalayam Village,
Malliakarai Post,
Attur Taluk,
Salem District

Petitioner

Vs

- 1.The District Collector
Salem District
- 2.The Revenue Divisional Officer
Salem District
- 3.The Tahsildar
Attur Taluk, Salem District
- 4.Kandasamy,
S/o.Ponmalai



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5.Ganesan,
S/o Kandasamy
Respondent Nos.4 and 5
residing at
Karutharajapalayam Village,
Malliakarai Post,
Attur Taluk, Salem District

Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents 1 to 3 to remove the encroachment made by the respondents 4 and 5 in the Government Poramboke Vandi Paathai (Cart track) situated in S.No.181/2 and 182/3 in Karutharajapalayam Village, Malliakarai, Attur Taluk, Salem District by considering petitioner's representation dated 13.02.2025.

For Petitioner: Mr.R. Sathishkumar
for Mr.P.Dinesh Kumar

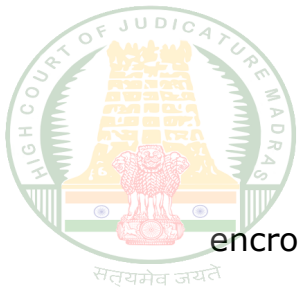
For Respondents: Mr.M.Habeeb Rahman
Government Advocate
for respondent Nos.1 to 3

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

This Public Interest Litigation (PIL), if we may say so, is utterly misconceived in law.

2. The prayer made in the writ petition for issuance of a mandamus to direct the official respondents to remove the



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encroachment made by the private respondents 4 and 5 cannot be granted on the face of a decree passed in favour of respondent Nos.4 and 5 and against the State.

3. The submission of learned counsel for the petitioner that the decree was an *ex parte* one has not impressed us. Unless the decree is set aside in the manner as provided under the law, no mandamus can be issued in nullification of a decree, which exists and is in force in favour of respondent Nos.4 and 5.

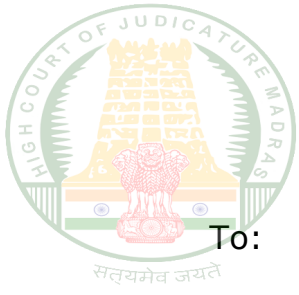
This PIL is misconceived and dismissed with costs quantified at Rs.10,000/- (Rupees Ten Thousand only) payable by the petitioner to the Tamil Nadu State Legal Services Authority within a period of one month.

(MANINDRA MOHAN SHRIVASTAVA, CJ)

(SUNDER MOHAN,J)

23.07.2025

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

- 1.The District Collector
Salem District
- 2.The Revenue Divisional Officer
Salem District
- 3.The Tahsildar
Attur Taluk, Salem District



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THE HON'BLE CHIEF JUSTICE
AND
SUNDER MOHAN,J.

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