



W.P.No.17573 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 02.06.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

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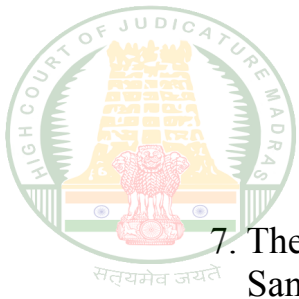
K.Gopal

... Petitioner

Vs.

1. The District Collector
District Collectorate
Kallakurichi District
2. The Revenue Divisional Officer
Kallakurichi Taluk
Kallakurichi District
3. The Tahsildar
Sankarapuram, Vanapuram Taluk
Kallakurichi District
4. Shek Akbar
5. Mohamed Bilal
6. Thangapillai

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7. The Block Development Officer
Sankarapuram Panchayat Union
Sankarapuram
Kallakurichi District

... Respondents

(R7 suo motu impleaded vide this order)

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 3 to remove the encroachment in Survey No.162/20, 175/1 (Street) at Moorarpalayam Village, Sankarapuram Taluk, Kallakurichi District.

For Petitioner : Mr.V.Gunasekar

For Respondents : Mr.T.K.Saravanan,
Additional Government Pleader
for R1 to R3 and R7

ORDER

[Order of the Court was made by **M.SUNDAR, J.,**]

Captioned main 'Writ Petition' ['WP' for the sake of brevity] has been filed with a removal of encroachment plea qua 'Survey Nos.162/20, 175/1 (Street) at Moorarpalayam Village, Sankarapuram Taluk, Kallakurichi District' [hereinafter 'said land' for the sake of brevity and convenience].



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2. Repeated requests have not yielded results and that has necessitated

captioned WP is learned counsel's say.

3. Issue notice to official respondents.

4. Mr.T.K.Saravanan, learned Additional Government Pleader accepts notice for R1 to R3 but learned State counsel submits on instructions that a survey was conducted on 21.05.2025, encroachers have been identified and action is in the anvil.

5. Learned State counsel also submits that action at this stage will be under Section 131(2) of 'the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994)' [hereinafter 'said Act' for the sake of convenience and clarity].

6. Therefore, we deem it appropriate to *suo motu* implead the Block Development Officer, Sankarapuram Panchayat Union, Sankarapuram, Kallkurichi District as R7 and State counsel accepts notice for R7 also. Learned State counsel submits that action will be commenced within eight weeks from today i.e., on or before 28.07.2025.

7. Proceedings under Section 131(2) necessarily means that alleged encroachers have to be put on notice, given an opportunity and their version



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has to be considered before any coercive action (if that be so). Therefore,

we make it clear that all the rights and contentions of private respondents (R4 to R6) and /or any other encroacher/s are preserved. This order does not touch upon the rights of private respondents and /or any other encroacher/s. In this view of the matter, we dispense with notice to private respondents (R4 to R6) and take up the main WP with the consent of learned counsel on both sides and dispose of the same recording the stated position of the learned State counsel.

Captioned writ petition disposed of in the aforesaid manner. There shall be no order as to costs.

(M.S.,J.)

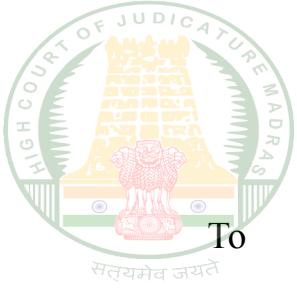
(H.C.,J.)

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Index : Yes / No

Neutral Citation : Yes / No

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HEMANT CHANDANGOUDAR, J.,**

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