



WEB COPY



W.P.No.18069 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.SUNDAR
and

THE HONOURABLE MR. JUSTICE HEMANT CHANDANGOUDAR

W.P.No.18069 of 2025

A. Sivaji

Petitioner

vs.

1. The Municipal Commissioner
Villupuram Municipality
Villupuram 605 602

2. The Thasildar
Villupuram Taluk
Villupuram 605 602

3. M.Annamalai

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the 1st respondent to remove the encroachment, put up by the 3rd respondent measuring 15' x 15" in Visvalinga Pather Layout Road, Villupuram as per the representation and complaints dated 07.08.2023, 16.08.2023 and 18.06.2024 given by the petitioner to the 1st respondent.

For petitioner Mr. S. Baskaran

For R1 Dr. T. Seenivasan
Special Government Pleader

For R2 Mr. M.S. Arasakumar
Government Advocate

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ORDER

[made by M.SUNDAR, J.]

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Subject matter of captioned 'writ petition' ('WP' for the sake of brevity) is 'alleged encroachment measuring 15' x 15' put up by R3 (private respondent) in Visvalinga Pather Layout Road, Villupuram', (hereinafter 'said land' for the sake of convenience and clarity), which is on the eastern side of the petitioner's land in S.No.485/2 .

2. At the outset, it is worth pointing out that in the prayer portion, the measurement of the alleged encroachment has been stated as 15' and 15". However, a perusal of the affidavit sworn to by the writ petitioner and a series of representations addressed by him to the authorities concerned brings to light that the measurement should read as 15' x 15' and not 15' x 15", as stated in the prayer portion. Faced with this situation, Mr. S. Baskaran, learned counsel on record for writ petitioner, requested this Court to read the measurement of the alleged encroachment stated in the prayer as 15' x 15'. Considering the facts and circumstances of the case, as one off matter, this request is acceded to. Hence, this Court deems it fit to consider the measurement of the alleged encroachment as 15' x 15' and accordingly, proceeds further on that basis.



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3. Request for removal of aforesaid alleged encroachment by way of as many as three representations/complaints dated 07.08.2023, 16.08.2023 and 18.06.2024 has not yielded results and that has necessitated captioned WP, is the submission of Mr.S.Baskaran, learned counsel on record for writ petitioner.

4. Issue notice to official respondents (RR 1 and 2).

5. Dr. T. Seenivasan, learned Special Government Pleader, accepts notice for R1 and Mr. M.S. Arasakumar, learned Government Advocate, accepts notice for R2. Learned State counsel submit that survey of said land will be done within a period of four weeks from today, *i.e.*, on or before 01.07.2025, and depending on the outcome of the survey, action for removal of encroachment (if found) will be commenced *vide* the Tamil Nadu Urban Local Bodies Act, 1998 (Act 9 of 1999), as expeditiously as the business of official respondents would permit but in any event within a period of four weeks therefrom, *i.e.*, on or before 29.07.2025. This submission is recorded.



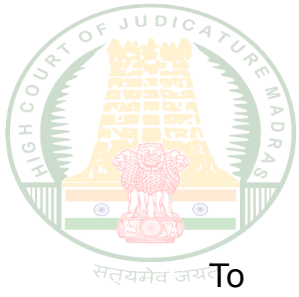
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6. Though obvious, we make it clear that all the rights and contentions of R3 (private respondent) stand preserved and this order does not impinge upon his rights. Therefore, there is no impediment in dispensing with notice to R3 and taking up the captioned WP with the consent of the learned State counsel and learned counsel for writ petitioner. We do so.

7. In the light of the narrative thus far, captioned WP is disposed of in the aforesaid manner, recording the stated position of learned State counsel. There shall be no order as to costs.

(M.S., J.) (H.C.,J.)
03.06.2025

cad
Index : Yes/No
N.C. : Yes/No



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