



WEB COPY



W.P.No.24633 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2025

CORAM

THE HONOURABLE MR. JUSTICE M.SUNDAR  
and  
THE HONOURABLE MR. JUSTICE T. VINOD KUMAR

W.P.No.24633 of 2024 and W.M.P. 26959 of 2025

D. Mahendiran

Petitioner

vs.

1. The District Collector  
Salem District  
Salem 636 001
2. The Tahsildar  
Tahsildar Office  
Omalur Taluk  
Salem District 636 455
3. The Block Development Officer  
Block Development Office  
Omalur – 636 455  
Salem District
4. Pavithra
5. Sathya
6. Subramani

Respondents



W.P.No.24633 of 2024

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 S.No.222/5 measuring 7,910 sq. ft. which is earmarked for public purpose viz., park, shop, children play area and walking zone situated at Sellapillai Kuttai Village, Omalur Taluk, Salem District and consequently, direct the respondents 1 to 3 to ensure that the land in S.No.222/5 situated at Sellapillai Kuttai Village, Omalur Taluk, Salem District as park and public purpose based on the petitioner's representation dated 30.04.2024.

|                |                                                |
|----------------|------------------------------------------------|
| For petitioner | Mr. V. Mohan Kumar<br>for Ms. S. Vinodha       |
| For RR 1 to 3  | Mr. T.K. Saravanan<br>Addl. Government Pleader |
| For RR 4 to 6  | Ms. D. Sahithya<br>for Mr. M. Elango           |

### ORDER

[made by M.SUNDAR, J.]

Subject matter of captioned main 'writ petition' [hereinafter 'WP' for the sake of brevity] is alleged encroachment in 'Survey No.222/5 measuring 7,910 sq. ft. earmarked for public purpose, viz., park, shop, children play area and walking zone situated at Sellapillai Kuttai



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Village, Omalur Taluk, Salem District' [hereinafter 'said land' for the sake of convenience and clarity) made by RR 4 to 6 (private respondents).

2. Request for removal of aforereferred alleged encroachment by writ petitioner by way of a representation dated 30.04.2024 to official respondents has not yielded results and that has necessitated captioned WP, is the submission of Mr. V. Mohan Kumar, learned counsel representing Ms. S. Vinodha, learned counsel on record for writ petitioner.

3. Mr. T.K. Saravanan, learned Additional Government Pleader, appears for official respondents and Ms. D. Sahithya, learned counsel represents Mr. M. Elango, learned counsel on record for RR 4 to 6 (private respondents).

4. Learned State counsel submits that survey of said land by R2 (Tahsildar) will be done after putting all concerned on notice and in their presence, within a period of eight weeks from today, *i.e.*, on or before 26.09.2025, and depending on the outcome of the survey,



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action for removal of encroachment (if found) will be commenced under appropriate/applicable statute as expeditiously as the business of official respondents would permit but in any event within a period of eight weeks therefrom, *i.e.*, on or before 21.11.2025. This submission is recorded.

5. Though obvious, we make it clear that all the rights and contentions of the private respondents stand preserved and this order does not touch or impinge upon or impact their rights.

6. To be noted, writ petitioner has made an interim prayer seeking to restrain the private respondents from putting up any construction in said land. Another Hon'ble Division Bench, in the listing on 23.08.2024, has granted an interim order. Pending survey, if construction is put up in said land, a possible irreversible situation can arise. Therefore, all parties are directed to maintain status quo till survey is completed and survey report is drawn up and furnished to writ petitioner as well as private respondents under due acknowledgment within seven working days from the date on which survey report is drawn up.



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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. In the light of status quo granted in paragraph 6, *supra*, captioned writ miscellaneous petition stands closed. There shall be no order as to costs.

(M.S., J.) (T.V.K.,J.)  
01.08.2025

cad



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**M.SUNDAR, J.**

and

**T. VINOD KUMAR, J.**

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