



W.P.No.22220 of 2025

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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

W.P.No.22220 of 2025

C.Vasudevan

.. Petitioner

Vs.

1. The District Collector
Kanchipuram District
Collectorate
Kanchipuram 631 501.
2. The District Revenue Officer
Kanchipuram District
Collectorate
Kanchipuram 631 501.
3. The Block Development Officer
The Block Development Office
Walajabad Union
Walajabad 631 601
Kanchipuram District.
4. The Tahsildar
Taluk Office
Kanchipuram 631 501
Kanchipuram District.



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5. The Chief Engineer
TANGEDCO
Head Office: Anna Maaligai
Olimohamedpet
Kanchipuram 631 502.

6. Department of Backward Classes,
Most Backward Classes and Minorities
Officer for the Department of Backward Classes,
Most Backward Classes and Minorities
Collectorate, Kanchipuram 631 501
Kanchipuram District.

7. S.Lakshmanaraj

8. S.Marimuthu .. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the 1st respondent to remove the encroachments by the 7 and 8 respondents on the Government tharisu lands in Survey Nos.339/1 and 339/3 at Enathur Village, Kanchipuram District, to form a road (path or way) to Enathur Village Cemetery (Mayanam) to use the Burial Ground, Neethar Vazhipadu Mandapam, fencing the burial ground and to arrange Samudhayakoodam/Mandapam for public peaceful usage as per the petitioner's representation dated 28.12.2023.

For Petitioner : Mr.R.Anbalagan

For Respondents : Mr.A.Edwin Prabakar
State Government Pleader
Assisted by
Mr.K.Karthik Jegannath
Government Advocate
for Respondents 1 to 4



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

Heard. The present public interest litigation has been filed by the petitioner ventilating grievance that there have been vast encroachments on public lands/path.

2. We have gone through the contents of the petition and various representations made to the concerned authorities from time to time.

3. It is the bounden duty of the authorities to ensure that public roads/land/path are free from encroachment. Whenever any such complaint is made, the authorities are obliged to hold an enquiry on such allegations within a reasonable time in accordance with the scheme of law as applicable.

4. Learned counsel for both parties submit that in such cases, Tamil Nadu Land Encroachment Act, 1905 is applicable and provides



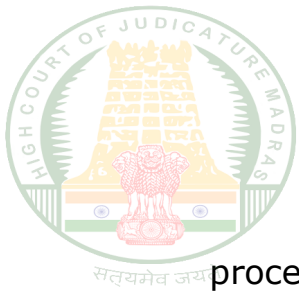
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a complete mechanism to deal with such type of complaints.

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5. The complaints were made by the petitioner as early as in December, 2023. We would expect the authorities/respondents to swing into action, if it is not already done, to ensure that the complaints are enquired into. If, after holding an enquiry, encroachments are found, the authorities, it goes without saying, are obliged to proceed under the scheme envisaged under the Act of 1905, by issuing notice to the persons who are alleged to be encroachers. Proceedings should be brought to conclusion, by passing a final order, after giving an opportunity of hearing to the persons who are alleged to be encroachers, consistent with the scheme of the aforesaid Act.

6. At the first instance, without keeping this petition pending, we are inclined to issue a direction to the fourth respondent/ Tahsildar to complete the fact finding enquiry, if not already done. In case any encroachment is found, the authority should proceed further by issuing notice to the concerned encroacher and those



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proceedings should be brought to logical conclusion, one way or other, within a reasonable period, say within a period of three months.

7. Without commenting upon the merits of the case, at this stage, the writ petition is finally disposed of. There shall be no order as to costs.

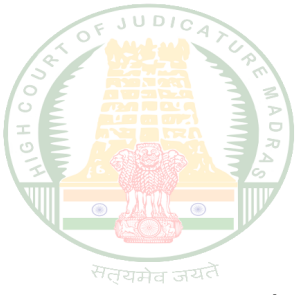
(MANINDRA MOHAN SHRIVASTAVA, CJ) (SUNDER MOHAN,J)
23.07.2025

Index : Yes/No
Neutral Citation : Yes/No

kpl

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