



WEB COPY



W.P.No.18719 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.SUNDAR
and

THE HONOURABLE MR. JUSTICE HEMANT CHANDANGOUDAR

W.P.No.18719 of 2025

Dhanasekar

Petitioner

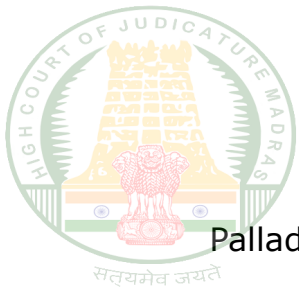
vs.

1. The District Collector
Tiruppur
2. The Divisional Engineer
Highway Department
Construction and Maintenance
Tiruppur 641 602
3. The Assistant Divisional Engineer
Highway Department
Construction and Maintenance
Palladam
4. The Tahsildar
Palladam
5. The Inner Circle Land Surveyor
Palladam

Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying to issue a writ of mandamus directing the 2nd and 3rd
respondents to survey the adjacent road land situated at S.No.171/2B

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Palladam Village, Palladam Taluk and Tiruppur District along with 3rd and 4th respondents within a time frame to find encroachment by the 2nd and 3rd respondents in the petitioner's land and consequently, to direct the 1st to 3rd respondents to pay compensation for their encroachment in S.No.171/2B to the extent of 31.5 cents at Palladam Village, Palladam Taluk and Tiruppur District within a time frame.

For petitioner	Mr. T. Ganesan
For respondents	Mr. T.K. Saravanan Addl. Govt. Pleader

ORDER

[made by M.SUNDAR, J.]

Owing to the limited legal perimeter within which the captioned 'writ petition' (hereinafter 'WP' for the sake of brevity) has to perambulate, captioned WP was taken up with the consent of Mr.T.Ganesan, learned counsel on record for writ petitioner and Mr.T.K.Saravanan, learned Additional Government Pleader for all the five respondents.

2. This order has to be read in conjunction with and in continuation of earlier proceedings made in the previous listing on 03.06.2025 which reads as follows:

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'W.P. No.18719 of 2025

M.SUNDAR,J,
and
HEMANT CHANDANGOUDAR, J,

(Order of the Court was made by M.SUNDAR, J.)

Mr.T.Ganesan, learned counsel on record for writ petitioner submits that R2 [Divisional Engineer, Highway Department, Construction and Maintenance, Tiruppur] and R3 [Assistant Divisional Engineer, Highway Department, Construction and Maintenance, Palladam] have encroached upon the writ petitioner's land admeasuring an extent of 31.5 cents or thereabouts in Survey No.171/2B at Palladam Village, Palladam Taluk and Tiruppur District (hereinafter said land for the sake of convenience and clarity).

2. Issue notice to respondents.

3. Mr.T.K.Saravanan, learned Additional Government Pleader accepts notice for respondents and requests for a short accommodation to get instructions and revert to this Court. Request acceded to.

4. List under the cause list caption 'NOTICE REGARDING ADMISSION' in the Admission Board i.e., Motion List one week hence.

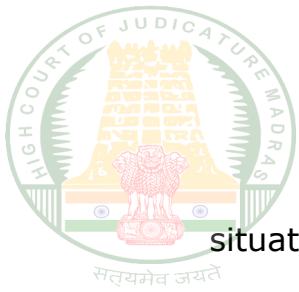
5. List on 10.06.2025.

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

3. The aforesaid earlier proceedings is tell tale *qua* trajectory the matter has taken and it also captures the issue in a nutshell.

4. Adverting to the aforementioned earlier proceedings, learned State counsel submits that he has obtained instructions and learned State counsel submits, on instructions, that the Highway is

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situate only in S.No.171/1 and not in 'land admeasuring an extent of 31.5 cents or thereabouts in Survey No.171/2B at Palladam Village, Palladam Taluk and Tiruppur District' (hereinafter 'said land' for the sake of convenience and clarity), as contended by the writ petitioner.

5. In the light of the above said controversy, we deem it appropriate to make the following order:

- i. R4 (Tahsildar) shall now survey said land as well as S.No.171/1 after putting on notice writ petitioner and in the presence of the writ petitioner;
- ii. The aforesaid exercise shall be carried out by R4 as expeditiously as the official business of R4 would permit but in any event within six weeks from today, *i.e.*, on or before 22.07.2025;
- iii. R4 shall draw up a survey report and serve the same on the writ petitioner under due acknowledgment;
- iv. Depending on the aforereferred survey report, if the alleged encroachment is in said land, necessary compensation shall be paid to the writ petitioner in accordance with law; and
- v. If the aforereferred Highway is only in S.No.171/1 as contended or if there is any other finding in the survey report, it is open to the writ petitioner to assail the same in a manner known to law.



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

(M.S., J.) (H.C., J.)
10.06.2025

Index : Yes/No
Neutral Citation: Yes/No
cad



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M.SUNDAR, J.

and

HEMANT CHANDANGOUDAR, J.

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To

1. The District Collector
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2. The Divisional Engineer
Highway Department
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