



W.P.No.16734 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2025

CORAM

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

W.P.No.16734 of 2025

T. Sakthivel

Petitioner

vs.

1.The District Collector
Salem District
Salem

2.The Commissioner
Attur Municipality
Attur Municipal Office
Ranipet Main Road
Attur, Salem District 636 102

3.The Sub Collector
Salem District
Salem

4.The Block Development Officer
Attur Taluk
Salem District

5.The Town Surveyor
Attur Taluk
Salem District

6.The Tahsildar
Attur Taluk
Salem District

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7.The Inspector of Police
Attur Town Police Station
Salem District

8.Priya

9.Mani

... Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying to issue a writ of mandamus directing the respondents 1 to 6
to remove the encroachments made by respondents 8 and 9 in Anna
Street in S.F.No.10, Old S.No.477/2-P, Ward D, Block 36, Athur Town,
Athur Taluk, Salem District.

For petitioner : Mr. I. Abrar Mohamed Abdullah

For RR 1,3,5,6 & 7 : Mr. M.S. Arasakumar
Government Advocate

For RR2 & 4 : Mr. T.K. Saravanan
Additional Government Pleader

ORDER

[made by M.SUNDAR, J.]

Captioned 'writ petition' (hereinafter 'WP' for the sake of brevity)
pertains to S.F.No.10, Old S.No.477/2-P, Ward D, Block 36, Athur
Town, Athur Taluk, Salem District (hereinafter 'said land' for the sake
of convenience and clarity).

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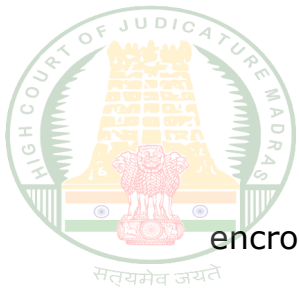
2. Mr. I. Abrar Mohamed Abdullah, learned counsel on record for writ petitioner, submits that there is encroachment in said land, RR 8 and 9 (private respondents) are alleged encroachers, repeated representations have been made for removal of encroachment, the same have not yielded results and that has necessitated the captioned WP.

3. Issue notice to the official respondents (RR 1 to 7).

4. Mr. T.K. Saravanan, learned Additional Government Pleader, accepts notice for RR 2 and 4 and Mr. M.S. Arasakumar, learned Government Advocate, accepts notice for RR 1,3,5,6 and 7.

5. Mr. T.K. Saravanan, learned State counsel, submits, on instructions that survey of said land will be completed within four weeks from today *i.e.*, on or before 30.06.2025.

6. Learned State counsel also submits that a survey report will be drawn up by R6 (Tahsildar) with the aid of R5 (Town Surveyor) and in the survey report, if any encroachment is found, alleged



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encroachers, be it private respondents (RR 8 and 9) or any other person/entity will be put on notice *i.e.*, show caused *vide* Section 128 of the amended Tamil Nadu Urban Local Bodies Act, 1998 (hereinafter 'The TNULB Act' for the sake of brevity).

7. This means that private respondents (RR 8 and 9) and/or any other encroacher(s) will have a say and they will be given an opportunity to put forth their version. In this view of the matter, we make it clear that we are not passing an order which is touching upon the rights of private respondents in any manner and on the contrary, we are preserving all the rights and contentions of private respondents. Therefore, we dispense with notice to private respondents.

8. In the light of the aforesaid scenario, with the consent of learned counsel on either side, captioned WP is taken up.

9. The following order is made:



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- i. Survey *qua* said land, after putting all concerned on notice, will be concluded as expeditiously as the official business of RR 5 and 6 would permit but in any event within a period of four weeks from today *i.e.*, on or before 30.06.2025;
- ii. Survey report will be drawn up by R6;
- iii. In the survey report, if any encroachment *qua* said land is noticed, be it by private respondents or any other person/entity, they will be put on notice *inter alia vide* Section 128 of the TNULB Act which, in effect, means that the alleged encroachers would be given an opportunity and an order will be made by R2 after considering the version of the alleged encroachers on or before 28.07.2025 and thereafter, law will take its own course *qua* removal of encroachments, if that be so; and



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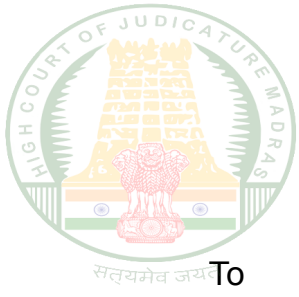
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iv. Though obvious, as alluded to *supra*, we make it clear that we preserve all the rights and contentions of the private respondents and/or any other noticee *qua* the TNULB Act, if that be so.

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

(M.S.,J.) (H.C.,J.)
02.06.2025

cad



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To

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M.SUNDAR, J.

and

HEMANT CHANDANGOUDAR, J.

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