



W.P.No.26895 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 22.07.2025

CORAM

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

W.P.No.26895 of 2025

M.Duraisamy,
S/o.Muthu Gounder

Petitioner

vs.

1. The District Collector
Salem Town and District.
2. District Revenue Officer
Salem Town and District.
3. Revenue Divisional Officer
Attur Town, Salem District.
4. Tahsildar
Attur Town, Salem District.
5. K.Natesan,
S/o.Kailash Gounder

Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying to issue a writ of mandamus directing the respondents 1 to 4 to

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remove the encroachment found in Survey No.473/1 (Pathway), 22/1 (Poramboke) and 22/6 (Poramboke) situated in Ammbasamuthuram Village, Attur, Salem, being encroached by the fifth respondent and a consequential direction to the respondents 1 to 4 to restore the said lands to its original state.

For Petitioner Mr.S.T.Bharathi Gowtham

For Respondents Mr. T.K. Saravanan
Additional Government Pleader
for R1 to R4

ORDER

[made by M.SUNDAR, J.]

Subject matter of captioned 'Writ Petition' [hereinafter 'WP' for the sake of brevity] is alleged encroachment in 'Survey Nos.473/1 (Pathway), 22/1 (Poramboke) and 22/6 (Poramboke) situate in Ammbasamuthuram Village, Attur, Salem District' (hereinafter 'said lands' for the sake of convenience and clarity).



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2. Request for removal of aforereferred alleged encroachment/s

by way of a representation dated 08.04.2025 has not yielded results and that has necessitated captioned WP, is the submission of learned counsel for writ petitioner.

3. Issue notice to official respondents (R1 to R4).

4. Mr. T.K. Saravanan, learned Additional Government Pleader, accepts notice for official respondents. Learned State counsel submits that survey of said lands will be done within a period of six weeks from today, *i.e.*, on or before 02.09.2025, and depending on the outcome of the survey, action for removal of encroachment (if found) will be commenced *vide* 'the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of convenience and clarity} as expeditiously as the business of official respondents would permit but in any event within a period of six weeks therefrom, *i.e.*, on or before 14.10.2025. This submission is recorded.



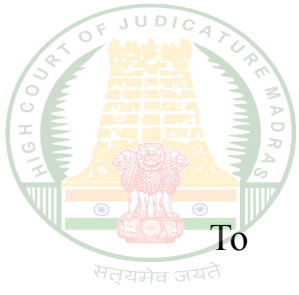
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5. Though obvious, we make it clear that all the rights and contentions of R5/private respondent stand preserved and this order does not impinge upon the rights of R5/private respondent. Therefore, there is no impediment in dispensing with notice to private respondent and taking up the captioned WP with the consent of the learned State counsel and learned counsel for writ petitioner. We do so.

6. 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.)
22.07.2025

Index: Yes/No
Neutral Citation: Yes/No
gpa



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