



WEB COPY

W.P.No. 18792 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2025

CORAM :

THE HON'BLE MR. JUSTICE M. SUNDAR
and
THE HON'BLE MR. JUSTICE R. SAKTHIVEL

W.P. No.18792 of 2024 and W.M.P.No. 20613 of 2024

M. Chitrarasu

Petitioner

vs.

- 1 The District Collector
Collectorate
Vellore District
- 2 The Tahsildar
Gudiyatham Taluk
Vellore District
- 3 The Commissioner
Pernampet Municipality
Vellore District
- 4 The Firka Surveyor
Pernampet, Gudiyatham Taluk
Vellore District
- 5 P. Thangaraj, Ex.M.C.

Respondents

Writ Petition filed under Article 226 of the Constitution of India,
praying for issuance of a writ of mandamus to direct the 1st to
4th respondents to remove the encroachment made by the
5th respondent which is existing at Bagar Hussain Street-I,
Pernampet, Guidyatham, Vellore District and consequently to direct
the 1st to 4th respondents to ensure the right of the general public to
use above said public street.



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W.P.No. 18792 of 2024



For petitioner	Mr. P. Vijendran
For RR1, 2 & 4	Mr. T.K. Saravanan Addl. Govt. Pleader
For R3	Mr.P.Srinivas, Standing Counsel
For R5	Mr. K.A. Ravindran

- - - - -

ORDER

(made by M. SUNDAR, J.)

Mr. P. Vijendran, learned counsel on record for writ petitioner, expresses regret for having missed the matter yesterday (19.06.2025). [To be noted, captioned matter is listed today under the cause list caption 'FOR DISMISSAL'].

2. Captioned main 'writ petition' [hereinafter 'WP' for the sake of brevity] has been filed *inter alia* with a removal of encroachment prayer *i.e.*, with the prayer for issue of a mandamus *qua* official respondents as regards removal of encroachment allegedly made by R5 (Thangaraj) at 'Bagar Hussaiin Street-I, Pernampet, Gudiyatham, Vellore District'.

3. Writ petitioner came to this Court earlier on the same issue *vide* W.P.No.9572 of 2014 and the earlier writ petition, along with W.M.P. thereat, came to be disposed of by another Hon'ble



Division Bench to which one of us (M. SUNDAR, J.) was a member in
and *vide* an order dated 20.12.2016 and this order reads as follows:

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE M.SUNDAR

W.P.No.9572 of 2014

and

M.P.No.1 of 2014

M.Chitrarasu

.. Petitioner

-VS-

- 1.The District Collector,
Collectorate,
Vellore District.
- 2.The Tashildhar,
Gudiyatham Taluk,
Vellore District.
- 3.The Commissioner,
Pernampet Municipality,
Vellore District.
- 4.The Firka Surveyor,
Pernampet, Gudiyatham Taluk,
Vellore District.
- 5.P.Thangaraj

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying for issue of Writ of Mandamus directing the respondents 1 to
4 to survey the public street i.e. Bagar/ussain/Street-I, Pernampet,
Gudiyatham, Vellore District and to remove all the encroachment/
made by the 5th respondent on the above said public street and to
consequently direct the respondents to ensure the right of the
general public to use above said public street.



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For Petitioner : Mr.P.Vijendran

For Respondents : Mr.R.Vijayakumar
Addl. Govt. Pleader for R1, R2 &
R4 Mr.P.Srinivas for R3

* * * * *

ORDER

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

The petitioner alleges that respondent No.5 has encroached on the public street and thus seeks a direction against the first four respondents to clear the obstructions.

2. In the counter-affidavit filed by the Pernampet Municipality/respondent No.3, it has been stated that the land is not the public land, nor the revenue records or survey records indicate the same as public pathway. Apart from this, it is stated that the inspection at site shows that the area did not serve as a pathway.

3. Be that as it may, in view of the conflicting averments and the facts, it cannot be decided without adducing evidence, and the land not being public land, we consider it appropriate that the petitioner must avail of the remedy of civil suit qua the rights against respondent No.5.



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4. The writ petition is closed. No costs. Consequently,
M.P.No.1 of 2014 is also closed.

(S.K.K., C.J.) (M.S., J.)
20.12.2016

Index : Yes/No
Internet : Yes/No
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To

- 1.The District Collector,
Collectorate,
Vellore District.
- 2.The Tashildhar,
Gudiyatham Taluk,
Vellore District.
- 3.The Commissioner,
Pernampet Municipality,
Vellore District.
- 4.The Firka Surveyor,
Pernampet, Gudiyatham Taluk,
Vellore District.

4. The aforesaid order speaks for itself.

5. Mr. T.K. Saravanan, learned Additional Government Pleader for RR 1, 2 and 4, Mr. P. Srinivas, learned Standing Counsel for R3 and Mr. K.A. Ravindran, learned counsel for R5 (private respondent), are before this Court.

6. We heard out all the learned counsel.

7. In the hearing, it comes to light that post
aforementioned 20.12.2016 order in the aforereferred writ petition,



R5 before us has filed a suit in O.S.No.94 of 2024 on the file of District Munsif Court, Gudiyatham, on the same issue, writ petitioner before us is D1 in the said suit and the suit is ripe for trial. The case status as in the official e-Court website is as follows:

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Case Status : Search by Case Number

This form needs JavaScript activated to work.

- [Case Number](#)
- [FIR Number](#)
- [Party Name](#)
- [Advocate Name](#)
- [Case Code](#)
- [Act](#)
- [Case Type](#)

All fields marked with * are required

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Court Complex *

Select Court Complex ▼

Case Type

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Case Number *

Type Case Number

Year *

Type year

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Sub Court, Gudiyatham

Serial Number	Case Type/Case Number/Case Year	Petitioner versus Respondent	View
1	OS/94/2024	THE SOUTH INDIAN BANK LTD Versus M VIGNESHWARAN	View

District Munsif Court, Gudiyatham

Serial Number	Case Type/Case Number/Case Year	Petitioner versus Respondent	View
1	OS/94/2024	THANGARAJI Versus CHITRARASU	View

District Munsif, Gudiytam

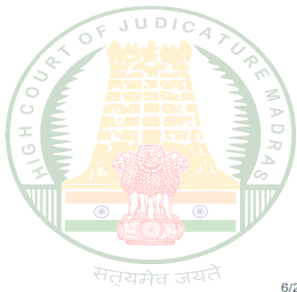
Case Details

Case Type	Filing Number	Filing Date	Registration Number	Registration Date	CNR Number
OS - Original Suit	165/2024	05-08-2024	94/2024	07-08-2024	TNVL100001382024

Case Status

First Hearing Date	Next Hearing Date	Case Status	Stage of Case	Court Number and Judge
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W.P.No. 18792 of 2024



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First Hearing Date	Next Hearing Date	Case Status	Stage of Case	Court Number and Judge
07-August-2024	20-June-2025	Pending	Trial	2-District Munsif, Gudiyatham

Petitioner and Advocate

- 1) THANGARAJI
Advocate - MANOGARAN M

Respondent and Advocate

- 1) CHITRARASU
- 2) THE COMMISSIONER
- 3) THE TAHSILDHAR
- 4) THE STATE OF TAMILNADU REP BY ITS DISTRICT COLLECTORE OF VELLORE

Acts

Under Act(s)	Under Section(s)
Code of Civil Procedure	27(c)

Case History

Registration Number	Judge	Business On Date	Hearing Date	Purpose of hearing
94/2024	District Munsif, Gudiyatham	07-08-2024	09-09-2024	Issue of Service
94/2024	District Munsif, Gudiyatham	09-09-2024	25-10-2024	Issue of Service
94/2024	District Munsif, Gudiyatham	25-10-2024	11-11-2024	IA / EA Pending / CMP Pending / CRP Pending / CMA Pending
94/2024	District Munsif, Gudiyatham	11-11-2024	10-12-2024	IA / EA Pending / CMP Pending / CRP Pending / CMA Pending
94/2024	District Munsif, Gudiyatham	10-12-2024	20-12-2024	IA / EA Pending / CMP Pending / CRP Pending / CMA Pending
94/2024	District Munsif, Gudiyatham	20-12-2024	04-01-2025	IA / EA Pending / CMP Pending / CRP Pending / CMA Pending
94/2024	District Munsif, Gudiyatham	04-01-2025	10-02-2025	Written Statement
94/2024	District Munsif, Gudiyatham	10-02-2025	12-03-2025	Issues
94/2024	District Munsif, Gudiyatham	12-03-2025	24-04-2025	Issues
94/2024	District Munsif, Gudiyatham	24-04-2025	20-06-2025	Trial

Process Details

Process id	Process Date	Process title	Party Name	Issued Process
PTNVL100001382024	07-08-2024	Summons to appear in person [O.5, R. 3]	THE TAHSILDHAR, THE TAHSILDHAR, THE TAHSILDHAR, THE TAHSILDHAR	0/4

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2/3

8. All the learned counsel before us submit that the alleged encroachment which is the subject matter of captioned WP and the suit, are one and the same. Therefore, we are of the view that it will suffice to record the stated position of the parties and write that the



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aforereferred suit being O.S.No.94 of 2024 on the file of the District Munsif Court, Gudiyatham, will proceed on its own merits and in accordance with law untrammelled by this order. Though obvious, we make it clear that all the rights and contentions of all the parties in the captioned WP and the aforereferred suit stand preserved for being adjudicated upon in the trial which is in the anvil. This Court, for the sake of specificity, deems it appropriate to also clarify that no opinion or view has been expressed by this Court one way or the other on alleged encroachment.

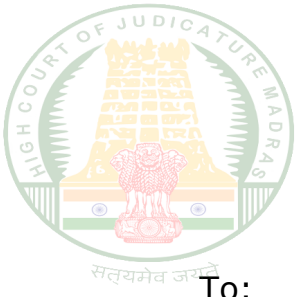
9. Captioned WP stands disposed of as closed in the aforesaid manner. Consequently, captioned writ miscellaneous petition thereat is also closed. There shall be no order as to costs.

(M.S.,J.) (R.S.V.,J.)
20.06.2025

cad

Index : Yes/No

NC : Yes/No



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Pernampet
Gudiyatham Taluk
Vellore District



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W.P.No. 18792 of 2024

M. SUNDAR, J.

and

R. SAKTHIVEL, J.

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