



WEB COPY

W.P.No.2269:



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2025

CORAM:

THE HONOURABLE MR. JUSTICE M. SUNDAR

AND

THE HONOURABLE MR. JUSTICE HEMANT CHANDANGOUDAR

W.P.No.22693 of 20234

1. A. Venkatesan

2. Janakiraman

3. N. Anandan

Petitioners

vs.

1. The District Collector
Tiruvannamalai
Tiruvannamalai District 606 604

2. The District Revenue Officer
Tiruvannamalai
Tiruvannamalai District 606 604

3. The Block Development Officer
Collector Office
Tiruvannamalai District 606 604

4. The Divisional Engineer (D.E.)
Divisional Engineer Office
Highways Department
Opp. To LIC
Navakarai
Tiruvannamalai 606 601

5. The Tahsildar
Tiruvannamalai
Tiruvannamalai District 606 604

6. Raji

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7. Senthil

8. Subramaniam, Dhanakodi

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to consider the petitioners' representations dated 27.02.2024 and 09.03.2024 and to remove the encroachment put up on the southern side of Tiruvannamalai to Vettavalam Highways Road, Tiruvannamalai Town starting from Kamarajar Nagar Entrance till Keezhnathur Railway gate.

For petitioners Mr. S. Swathish Kumar
representing
M/s.Sarvabhauman Associates (Law Firm)

For RR 1 to 5 Mr. T.K. Saravanan
Addl. Govt. Pleader

ORDER

(made by M. SUNDAR, J.)

Subject matter of captioned main 'writ petition' ['WP' for the sake of brevity] is alleged encroachment put up on the 'southern side of Tiruvannamalai to Vettavallam Highways Road, Tiruvannamalai Town, starting from Kamarajar Nagar Entrance till Keezhnathur Railway Gate [hereinafter 'said land ' for the sake of convenience and clarity].

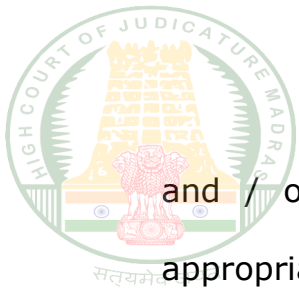


2. Request for removal of aforereferred alleged encroachments has not yielded results and that has necessitated captioned WP is the submission of learned counsel for writ petitioners.

3. Mr. K. Venkatasubban, learned counsel representing M/s.Sarvabhauman Associates (Law Firm), learned counsel on record for writ petitioners and Mr. T.K. Saravanan, learned Additional Government Pleader for RR 1 to 5, are before us.

4. Learned State counsel for RR 1 to 5 submits that survey is in the anvil and depending on the survey outcome, action for removal of encroachment (if found) will be initiated under appropriate/applicable statute.

5. We make it clear that while carrying out the aforesaid exercise, RR 6 to 8 (private respondents) and / or any other encroacher/s will be put on notice/show caused, given an opportunity and action will be subject to and depending on cause shown / response of noticee/s. Therefore, captioned WP is taken up with the consent of learned counsel for writ petitioners and learned State counsel, dispensing with notice to RR 6 to 8. Though obvious, it is made clear that this order does not touch upon the rights of RR 6 to 8

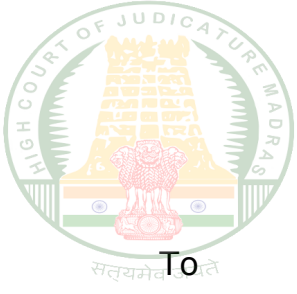


and / or any other noticee/s when they are proceeded against under appropriate/applicable statute. This means that all the rights and contentions of RR 6 to 8 and/or any other noticee/s remain preserved for responding suitably when show caused / visited with notices. Though obvious, for the sake of specificity, it is clarified that this Court, in instant order, has not expressed any view or opinion one way or the other regarding alleged encroachment *qua* said land.

7. 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 for RR 1 to 5 that survey will be done within a period of six weeks from today, *i.e.*, on or before 13.08.2025 and action, if any, under appropriate/applicable statute, will be commenced 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 24.09.2025. There shall be no order as to costs.

(M.S., J.) (H.C., J.)
02.07.2025

mmi
Index : Yes/No
NC : Yes/No



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