



WEB COPY

W.P.No.2734!



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2025

CORAM:

THE HONOURABLE MR. JUSTICE M. SUNDAR

AND

THE HONOURABLE MR. JUSTICE HEMANT CHANDANGOUDAR

W.P.No.27345 of 2025

Karuppusamy

Petitioner

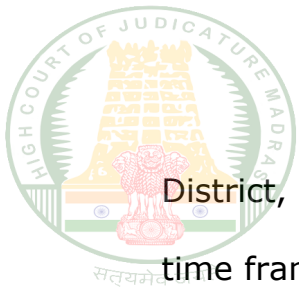
vs.

1. The District Collector
Namakkal District
2. The Tahsildar
Komarapalayam Taluk Office
Namakkal District
3. The Executive Officer
Alampalayam Town Panchayat
Komarapalayam Taluk
Namakkal District

4. Chellamuthu

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing respondents 1 to 3 to remove the encroachment made by the fourth respondent in Government Poramboke land which is used as common passage in Survey No.448/5 situated at Ward No.7, Alampalayam Town Panchayat, Komarapalayam Taluk, Namakkal



District, based on the petitioner's representation dated 05.05.2025, within a time frame.

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For petitioner	:	Mr. M. Vijaya Ragavan
For RR 1 to 3	:	Mr.T.K.Saravanan Addl. Govt. Pleader
For R4	:	Notice dispensed with

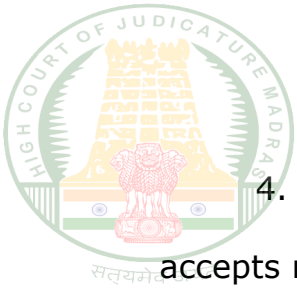
ORDER

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

Subject matter of captioned main 'writ petition' [hereinafter 'WP' for the sake of brevity] is alleged encroachment in 'Government Poramboke land in Survey No.448/5 situate in Ward No.7, Alampalayam Town Panchayat, Komarapalayam Taluk, Namakkal District which is used as common passage' [hereinafter 'said land ' for the sake of convenience and clarity].

2. Request for removal of aforereferred alleged encroachment by way of a representation dated 05.05.2025 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.



4. Mr.T.K.Saravanan learned Additional Government Pleader, accepts notice for RR 1 to 3.

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5. Learned State counsel, submits, on instructions, that a survey will be conducted, after putting all concerned on notice and in their presence, within eight weeks from today *i.e.*, on or before 22.09.2025 and if encroachments are found, action will be commenced under Section 128 of 'The Tamil Nadu Urban Local Bodies Act, 1998 (Tamil Nadu Act 9 of 1999)' [hereinafter 'TNULB Act' for the sake of brevity].

6. If there are encroachments, action against private respondent and/or any other other encroacher(s) necessarily means that they would be show caused. This Court makes it clear that all rights and contentions of private respondent and/or any other encroacher(s) are preserved if they are show caused and this order does not touch upon their rights. Therefore, we dispense with notice to private respondent (R4) and take up the captioned WP in the Admission Board *i.e.*, Motion List, with the consent of all the aforementioned counsel before us.

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



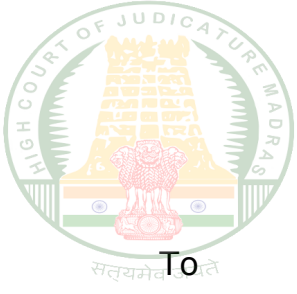
counsel that survey will be done within a period of eight weeks from today, *i.e.*, on or before 22.09.2025, after putting all concerned on notice and in their presence and action, if any, under the TNULB Act, will be commenced as expeditiously as the business of official respondents would permit but in any event within a period of eight weeks therefrom *i.e.*, on or before 17.11.2025. There shall be no order as to costs.

(M.S., J.) (H.C., J.)
28.07.2025

cad

Index : Yes/No

Neutral Citation : Yes/No



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To

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