



W.P.No.27762 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 11.08.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

**W.P.No.27762 of 2025**

K.Elumalai

S/o.Kannu Gounder

... Petitioner

VS.

1. The District Collector  
O/o. the District Collector  
Kallakurichi District - 606 202.

2. The Commissioner  
Thirukovilur Municipality  
Thirukovilur - 605 757.

3. P.Pandurangan  
S/o.Ponmudi

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus, directing the 2nd respondent herein to remove the encroachment of approximately 20 feet made by the 3rd respondent herein on the 40 feet wide municipal road situated between Plot No.54 and Plot No.86 in the approved layout bearing Ma.Va./Na.Oo.E.No.358/94 in

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Survey Nos.721/2, 721/3 and 722 at Arunachalam Nagar, Sandhapettai (Thirukovilur North), Thirukovilur Taluk, Kallakurichi District and further direct the 2nd respondent herein to restore the said road to its original sanctioned width of 40 feet as per the said approved layout.

For Petitioner : Mr.B.Pachaiyappan  
For Respondents : Mr.T.K.Saravanan  
Additional Government Pleader  
for R1 & R2

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### **ORDER**

[Order of the Court was made by M. SUNDAR, J.]

Subject matter of captioned main 'Writ Petition' ['WP' for the sake of brevity] is alleged encroachment on '40 feet wide municipal road situate between Plot No.54 and Plot No.86 in the approved layout bearing Ma.Va./Na.Oo.E.No.358/94 in Survey Nos.721/2, 721/3 and 722 at Arunachalam Nagar, Sandhapettai (Thirukovilur North), Thirukovilur Taluk, Kallakurichi District' [hereinafter 'said land' for the sake of convenience and clarity].

2. Request for removal of afore-referred alleged encroachment has not yielded results and that has necessitated captioned WP is the submission



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of learned counsel for writ petitioner.

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3. Mr.T.K.Saravanan, learned Additional Government Pleader for respondents 1 and 2 is before us.

4. Learned State counsel, submits, on instructions, that a survey of said land will be done after putting all concerned on notice and in their presence, within a period of eight weeks from today i.e., on or before 06.10.2025 and depending on the outcome of the survey, action for removal of encroachment (if found) 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}.

5. If there are encroachments, action against private respondent/s and/or other encroacher/s necessarily means that the private respondent/s would be show-caused. This Court makes it clear that all rights and contentions of private respondent/s are preserved if they are show-caused and this order does not touch upon the rights of private respondent/s. Therefore, we dispense with notice to private respondent (R3) and take up the main WP with the consent of all the aforementioned counsel before us.



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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 that survey will be done within a period of eight weeks from today, *i.e.*, on or before 06.10.2025 and action if any, under 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 01.12.2025.

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

(M.S.J.,)

(H.C.J.,)

11.08.2025

Index : Yes / No

Neutral Citation : Yes / No

Speaking / Non-speaking

*mk*

To

1. The District Collector  
O/o. the District Collector  
Kallakurichi District - 606 202.
2. The Commissioner  
Thirukovilur Municipality  
Thirukovilur - 605 757.

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**M.SUNDAR, J.,  
and  
HEMANT CHANDANGOUDAR, J.,**

*mk*

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