



WEB COPY



W.P.No.27679 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2025

CORAM

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

W.P.No.27679 of 2025
and
W.M.P. No.31018 of 2025 in W.P.No.27679 of 2025

O.Udayakumar

Petitioner

vs.

1.The Chairman,
Tamil Nadu Pollution Control Board,
No.76, Mount Road,
Guindy, Chennai – 600 032.

2.The District Collector,
Chengalpet District.

3.The Tahsildar,
Pallavaram Taluk, Chengalpet.

4.R.S.Enterprises
rep. By its Partner Jayaraman,
S.No.273, 274,
Thiruneermalai Village,
Pallavaram Taluk, Chengalpet.

Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying to issue a writ of mandamus directing the respondents 1 to 3
to consider the petitioner's representation dated 07.10.2024 and

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15.04.2025 and effect the closure of the fourth respondent's illegal hot mix plant situated at survey numbers 272, 273 and 274, Thiruneermalai Village, Pallavaram Taluk, Chengalpet District and further remove the encroachment of the Government poramboke land at survey number 272, Thiruneermalai Village, Pallavaram Taluk, Chengalpet District within the time frame fixed by this Court.

For Petitioner .. Ms.J.Madhumitha

For Respondents .. Mr.V.Gunasekar,
Standing Counsel for R1
Mr. K.Suresh,
Govt. Advocate for R2 and R3

ORDER

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

Captioned main 'Writ Petition' (hereinafter 'WP' for the sake of brevity) has been filed with a RoE (Removal of Encroachment) prayer qua three survey numbers viz., 'Survey Nos.272, 273 and 274 all in Thiruneermalai Village, Pallavaram Taluk, Chengalpet District' (hereinafter 'said lands' for the sake of convenience and clarity).

2. Requests for removal of aforereferred alleged encroachment/s inter-alia by way of two representations dated 07.10.2024 and 15.04.2025 have not yielded results and that has necessitated captioned WP, is the submission of learned counsel for writ petitioner.

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3. Issue notice to official respondents.

4. Mr.V.Gunasekar, learned standing counsel, accepts notice for R1 and Mr.K.Suresh, learned Government Advocate, accepts notice for R2 and R3.

5. Learned State counsel submits that only one of the three survey numbers viz., 'Survey No.272' is public land, the same having been classified as Meikal Poramboke (hereinafter 'said public land' for the sake of convenience and clarity). Therefore, the instant order with regard to survey and action under 'The Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity} will be confined to Survey No.272. To be noted, we are informed that Survey Nos.273 and 274 are patta lands. We leave open this question. Learned State counsel, submits, on instructions, that a survey of said public land will be conducted, after putting on notice writ petitioner, private respondent/all concerned within eight weeks from today *i.e.*, on or before 23.09.2025, writ petitioner, private respondent and all concerned who are put on notice



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can be present during survey and if encroachments are found, action will be commenced under the provisions of said 1905 Act.

6. If there are encroachments, action against private respondent/R4 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 alleged encroacher(s) are preserved if they are show caused and this order does not touch upon their rights in any manner in this regard.

7. Writ petitioner contends that R4 is running a hot mix plant in said lands and that the same is without proper clearances and permission. Writ petitioner has made a representation dated 07.10.2024 in this regard is learned petitioner counsel's say. It is open to the authorities to consider the same on its own merits and in accordance with law but we hasten to add that when authorities consider the representation, all the rights and contentions of R4 will remain preserved and R4 shall be given an opportunity to demonstrate if necessary permissions have been obtained. In this view of the matter, we dispense with notice to R4 as regards this aspect of the



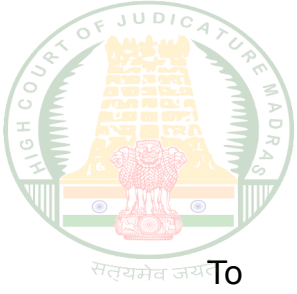
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matter also and take up the captioned WP in the Admission Board with the consent of all the aforementioned counsel before us.

8. 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 of said public land will be done within a period of eight weeks from today, *i.e.*, on or before 23.09.2025, after putting all concerned on notice and giving them liberty to be present during survey and if any encroachment is noticed in the survey report to be drawn up by R3, action under the said 1905 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 18.11.2025. Consequently, captioned Writ Miscellaneous Petition (WMP) is disposed of as closed. There shall be no order as to costs.

(M.S., J.) (H.C., J.)
29.07.2025

Index:Yes/No
Neutral Citation:Yes/No
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M.SUNDAR, J.
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HEMANT CHANDANGOUDAR, J.

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