



W.P.No.27476 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.27476 of 2025

N.Kumar

Petitioner

vs.

1.The District Collector,
Office of District Collector,
Namakkal.

2.The Thasildar,
Rasipuram, Namakkal District.

3.The Block Development Officer,
Vennanthur, Namakkal District.

4.Saravanan
5.Palanivel

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 remove the encroachment caused by the respondents 4 and 5 and others over the public pathway "Public Pathway" existing at S.F.No.93/3 and 94/2 in Keeranur Village, Rasipuram Taluk, Namakkal District by considering the representation of the petitioner herein dated 06.01.2023, 18.05.2023 and 01.06.2023 within the time as fixed by this Court.

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For Petitioner ..	Ms.D.Jeevitha for Mr.R.Nalliyappan
For Respondents ..	Mr. T.K. Saravanan Additional Government Pleader for R1 and R2 Mr.M.Rajendiran, Additional Government Pleader for R3

ORDER

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

Subject matter of captioned 'Writ Petition' [hereinafter 'WP' for the sake of brevity] is alleged encroachment in a 'public pathway at S.F.No.93/3 and 94/2 in Keeranur Village, Rasipuram Taluk, Namakkal District' (hereinafter 'said lands' for the sake of convenience and clarity)

2. Request for removal of aforereferred alleged encroachment/s by way of as many as three representations dated 06.01.2023, 18.05.2023 and 01.06.2023 has not yielded results and that has necessitated captioned WP, is the submission of learned counsel for writ petitioner.



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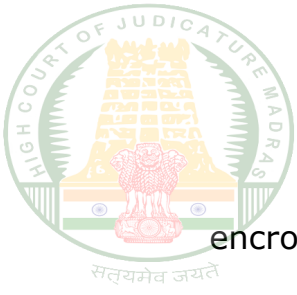
3. Issue notice to official respondents.

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4. Mr.T.K. Saravanan, learned Additional Government Pleader, accepts notice for R1 and R2 and Mr.M.Rajendiran, learned Additional Government Pleader accepts notice for R3.

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 23.09.2025 and if encroachments are found, action will be commenced under Section 131 of 'The Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21/94)' {hereinafter 'Panchayats Act' for the sake of brevity} and if necessary, under 'The Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity}.

6. If there are encroachments, action against private respondent/s 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/s and/or any other



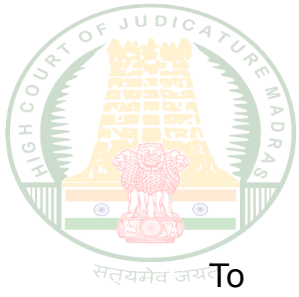
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encroacher(s) are preserved if they are show caused and this order does not touch upon their rights. Therefore, we dispense with notice to private respondents/R4 and R5 and/or any other encroacher and take up the captioned WP in the Admission Board 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 23.09.2025, after putting all concerned on notice and in their presence and action, if any, under the Panchayats Act or 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. 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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To

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