



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2025

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CORAM:

THE HONOURABLE MR. JUSTICE M. SUNDAR

AND

THE HONOURABLE MR. JUSTICE HEMANT CHANDANGOUDAR

W.P.No.26502 of 2025

1.M.Baskar

S/o.Meenatchisundaram

2.G.Sumathi

W/o.M.Baskar

... Petitioners

vs.

1. The District Collector
District Collector Office
Tiruppur District – 641 604

2. The Commissioner
Tiruppur Corporation
Tiruppur – 641 604.

3. The Tahsildar
South Tahsildar Office
Sevanthampalayam
Tiruppur – 641 604.



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4. Sri Anjaneya Garden
rep. By Association Person
Sri Anjaneya Garden
K.Chettipalayam
Dharapuram Road
Tiruppur – 641 604.

5. A.Annadurai
S/o.C.K.Arumugam

6. B.Elankumaran
S/o.Balasubramaniam

7. R.Subramaniam
S/o.P.Ramasam

8. N.Jaganathan
S/o.Nachimuthu

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the second and third respondents to remove the illegal compound wall which was constructed by the fourth to eighth respondents in the property bearing Survey No.377/7A1 situated at Sri Anjaneya Garden, K.Chettipalayam, Dharapuram Road, Tiruppur District – 641 604 blocking the petitioners' common pathway and also direct the second and third respondents to bring the common road into public usage.



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W.P.No.2650;



For Petitioners : Mr.K.Praveen Raj
For Respondents : Mr.K.Suresh
Govt. Advocate for R1 and R3
Mr.Abishek Murthy
Standing Counsel for R2

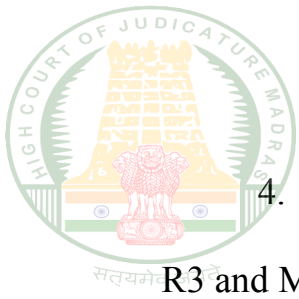
ORDER

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

Subject matter of captioned main 'Writ Petition' ['WP' for the sake of brevity] is alleged encroachment (compound wall) put up on the 'property in Survey No.377/7A1 situate at Sri Anjaneya Garden, K.Chettipalayam, Dharapuram Road, Tiruppur District – 641 604' [hereinafter 'said land ' for the sake of convenience and clarity].

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

3. Issue notice to official respondents.



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

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5. Learned State counsel, submits, on instructions, that a survey will be conducted within six weeks from today i.e., on or before 02.09.2025 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 respondents and/or other encroachers necessarily means that the private respondents would be show-caused. This Court makes it clear that all rights and contentions of private respondents are preserved if they are show-caused and this order does not touch upon the rights of private respondents. Therefore, we dispense with notice to private respondents (R4 to R8) and take up the main WP 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

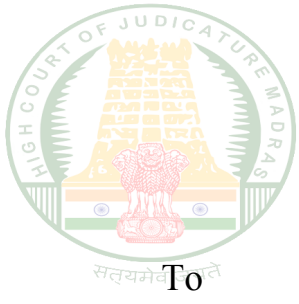


survey will be done within a period of six weeks from today, *i.e.*, on or before 02.09.2025 and action if any, under TNULB Act, will be commenced as expeditiously as the business of official respondents would permit but in any event within a period of six weeks therefrom *i.e.*, on or before 14.10.2025. There shall be no order as to costs.

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

(M.S., J.) (H.C., J.)
22.07.2025
(2/2)

Index : Yes/No
Neutral Citation : Yes/No
gpa



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To
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M. SUNDAR, J.

and

HEMANT CHANDANGOUDAR, J.

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