



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE M. SUNDAR

AND

THE HONOURABLE MR. JUSTICE HEMANT CHANDANGOUDAR

W.P.No.30538 of 2025

Chinnasmay B.E.

Petitioner

vs.

1. The District Collector
Kallakurichi District
2. The Revenue Divisional Officer
Revenue Divisional Office
Kallakurichi 606 213
Kallakurichi District
3. The Tahsildar
Tahsildar Office
Chinnasalem
Kallakurichi District 606 201
4. The Block Development Officer
Chinnasalem
Kallakurichi District
5. Anbazhagan

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 4 herein to take



appropriate action to remove the encroachment caused over the public pathway existing in survey no.219 at Thenchettianthal Village, Kilaku Theru, Chinnasalem Taluk, Kallakurichi District 606 207.

For petitioner Ms. Rajeswari Karthikeyan

For RR 1 to 3 Mr. T.K. Saravanan
Addl. Govt. Pleader

For R4 Mr. K. Tamilvendan
Govt. Advocate

For R5 Notice dispensed with

ORDER

(made by M. SUNDAR, J.)

Subject matter of captioned 'writ petition' [hereinafter 'WP' for the sake of brevity] is alleged encroachment in 'survey no.219 at Thenchettianthal Village, Kilaku Theru, Chinnasalem Taluk, Kallakurichi District 606 207' [hereinafter 'said land' for the sake of convenience and clarity).

2. Request for removal of aforesaid alleged encroachment by writ petitioner by way of two representations dated 14.11.2022 and 21.11.2022 to the first respondent has not yielded results and that has necessitated captioned WP, is the submission of Ms. Rajeswari Karthikeyan, learned counsel on record for writ petitioner.



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3. Issue notice to official respondents (respondents 1 to 4).

4. Mr. T.K. Saravanan, learned Additional Government Pleader, accepts notice for respondents 1 to 3 and Mr. K. Tamilvendan, learned Government Advocate, accepts notice for fourth respondent. Learned State counsel for respondents 1 to 3 submits that 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 09.10.2025, and depending on the outcome of the survey, action for removal of encroachment (if found) will be commenced *vide* the Tamil Nadu Highways Act, 2001 (Tamil Nadu Act 34 of 2002) 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 04.12.2025. This submission is recorded.

5. Though obvious, we make it clear that all the rights and contentions of the private respondent (fifth respondent) stand preserved and this order does not touch or impinge upon or impact his rights. Therefore, there is no impediment in dispensing with notice to private respondent (fifth



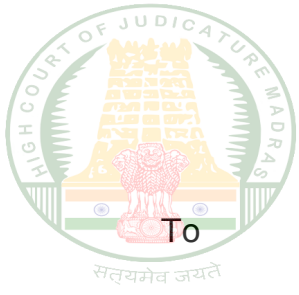
respondent) and taking up the captioned WP with the consent of the learned State counsel and learned counsel for writ petitioner. We do so.

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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 for respondents 1 to 3. There shall be no order as to costs.

**(M.S., J.) (H.C., J.)
14.08.2025**

cad
Index : Yes/No
NC : Yes/No



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HEMANT CHANDANGOUDAR, J.

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