



WEB COPY



W.P.No.35032 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.10.2025

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P.No.35032 of 2025

S.Sabapathy .. Petitioner

Vs.

1. The District Collector
Chengalpattu District
Office of the District Collector, Chengalpattu.

2. The Block Development Officer
Office of the Block Development Officer
Thirukkalukundram, Chengalpattu District.

3. The Executive Officer
Thirukkalukundram, (Town Panchayat)
Office of Executive Officer
Chengalpattu District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, seeking a writ of certiorari, calling for the entire records connected with the impugned stop work notice in Na.Ka.No.82/2025 dated 20.06.2025 issued by the third respondent and quash the same.

For the Petitioner : Mr.Gokul
for Mr.K.Thilageswaran

For the Respondents : Ms.M.Jayanthi
Additional Government Pleader
for R1

Mr.V.Ramesh
Government Advocate
for R2 and R3



W.P.No.35032 of 2025

ORDER

WEB COPY

(Order of the Court was made by R.SURESH KUMAR, J.)

Prayer sought herein is for a writ of certiorari, calling for the entire records connected with the impugned stop-work notice in Na.Ka.No.82/2025 dated 20.06.2025 issued by the third respondent and quash the same.

2. The petitioner claims that he purchased a land to the extent of 1760 Sq. Ft. in S.No.427/33 at Thirukkalukundram Town Panchayat, Chengalpattu District, where, he has already constructed a dwelling house. Recently, he wanted to put up a compound wall and when he started constructing the compound wall, the impugned order dated 20.06.2025 has been issued by the third respondent, stating that, since the petitioner is encroaching upon a portion of the road belonging to the third respondent, the construction of the compound wall should be stopped immediately, otherwise, action would be taken against him under the provisions of the Tamil Nadu Urban Local Bodies Act, 1998, as well as the Tamil Nadu Land Encroachment Act, 1905.

3. That notice dated 20.06.2025 or the stop-construction order has been questioned in this writ petition.



W.P.No.35032 of 2025

4. Heard *Mr.Gokul*, learned counsel for the petitioner, *Ms.M.Jayanthi*, learned Additional Government Pleader appearing for respondent 1 and *Mr.V.Ramesh*, learned Government Advocate appearing for respondents 2 and 3.

5. It is submitted by the learned counsel appearing for the petitioner that, the proposed compound wall is to be constructed only within the land belonging to the petitioner and he has not encroached upon even an inch of the land belonging to the third respondent.

6. However, this factor is denied by the learned counsel appearing for the respective respondents, especially, the third respondent and he would submit that the proposed construction of the compound wall, since would be on the land of the third respondent, that too on the road margin, the impugned notice has been issued.

7. In order to resolve this controversy, we feel that let the land in dispute be measured at the cost of the petitioner, for which, necessary cost shall be paid to the Town Surveyor or the Taluk Surveyor. On such payment, the Town Surveyor/Taluk Surveyor



W.P.No.35032 of 2025

concerned, after giving notice to both parties, shall measure the land and identify the boundaries of the petitioner's land. Based on the survey to be conducted and measurements to be taken, after identifying the four boundaries, the construction work of the compound wall, as proposed by the petitioner, whether could be permitted or should be prevented would be decided by the third respondent.

8. The aforesaid compliance shall be made within a period of two months from the date of receipt of a copy of this order and till such time, no further construction shall be made by the petitioner.

9. With these observations and directions, this writ petition is disposed of. However, there shall be no order as to costs. Consequently, W.M.P.No.39188 of 2025 is closed.

(R.S.K., J.) (H.C., J.)
07.10.2025

Speaking Order/Non-Speaking Order
Neutral Citation:Yes/No
Internet:Yes/No
Index:Yes/No

(drm)



W.P.No.35032 of 2025

To:

WEB COPY

1. The District Collector
Chengalpattu District
Office of the District Collector, Chengalpattu.
2. The Block Development Officer
Office of the Block Development Officer
Thirukkalukundram, Chengalpattu District.
3. The Executive Officer
Thirukkalukundram, (Town Panchayat)
Office of Executive Officer
Chengalpattu District.



WEB COPY



W.P.No.35032 of 2025

R. SURESH KUMAR, J.
AND
HEMANT CHANDANGOUDAR, J.

(drm)

W.P.No.35032 of 2025

07.10.2025