



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.08.2025

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CORAM:

THE HON'BLE MR. JUSTICE M. SUNDAR
AND
THE HON'BLE MR. JUSTICE R. SAKTHIVEL

W.P.No.31646 of 2025

Mallika Kaliyappan

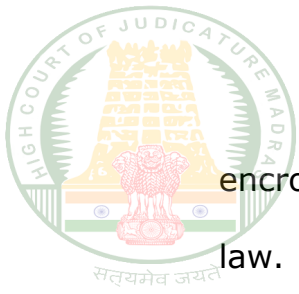
Petitioner

vs.

1. The District Collector
Office of the District Collector
Salem District
2. The Sub Collector
Sub Collector Office
Mettur
Salem District
3. The Tahsildar
Omalur Taluk
Salem District
4. The Block Development Officer
Omalur Taluk
Salem District
5. G. Santhi

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus or direction to consider the representations dated 15.05.2023 and 11.09.2023 and the proceedings of the third respondent in Na.Ka.06/2025/A3 dated 27.02.2025 to direct the respondents to conduct a survey of the land situated in Survey Nos.129/1 and 139/9 in Agarathapattinam, Vellalapatti Village, Omalur, Salem District and remove all



encroachments and restore the public pathway in accordance with law.

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For petitioner	Mr. A.K. Sriram Sr. Counsel instructed by Ms. Athiniveda of M/s. A.S. Kailasam & Associates (Law Firm)
For RR 1 to 3	Mr. T.K. Saravanan Addl. Govt. Pleader
For R4	Ms. K. Aswini Devi Addl. Govt. Pleader
For R5	Mr. G. Kesavan

ORDER

(made by M. SUNDAR, J.)

Subject matter of captioned 'writ petition' [hereinafter 'WP' for the sake of brevity] is alleged encroachment on a pathway in Government poramboke land in Survey Nos.129/1 and 139/9 in Agarathapattinam, Vellalapatti Village, Omalur, Salem District.

2. Request for removal of aforesaid alleged encroachment by one Vijayasarithi (villager) by way of representations 19.11.2021 and 15.08.2022 to the Panchayat President and by one Sundararajan (another villager) by way of representation dated 17.12.2021 to the Sub-Collector, Mettur, has not yielded results and that has necessitated captioned WP, is the submission of Mr. A.K. Sriram, learned Senior Counsel instructed by Ms. Athiniveda of M/s. A.S. Kailasam and Associates (Law Firm), learned counsel on record for writ petitioner.



3. Issue notice to respondents.

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4. Mr. T.K. Saravanan, learned Additional Government Pleader, accepts notice for respondents 1 to 3, Ms. K. Aswini Devi, learned Additional Government Pleader, accepts notice for fourth respondent and Mr. G. Kesavan, learned counsel, accepts notice for fifth respondent (private respondent).

5. Learned State counsel for respondents 1 to 3 submits, on instructions, that there are alleged encroachments in 'S.Nos.129/1, 130/5 and 139/9 in Agarathapattinam, Vellalapatti Village, Omalur, Salem District' [hereinafter 'said lands' for the sake of convenience and clarity] and that survey of said lands 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 20.10.2025, and depending on the outcome of the survey, action for removal of encroachment (if found) will be commenced *vide* the provisions of the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905) 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 15.12.2025. This submission is recorded.



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6. Though obvious, we make it clear that all the rights and contentions of the private respondent stand preserved and this order does not touch or impinge upon or impact her rights. Therefore, there is no impediment in taking up the captioned WP in the Admission Board itself with the consent of learned counsel for all the parties. We do so.

7. In the light of the narrative thus far, captioned main 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.) (R.S.V., J.)
25.08.2025

cad



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M. SUNDAR, J.

and

R. SAKTHIVEL, J.

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