



WP No.35240 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2025

CORAM

THE HON'BLE MR.MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE G.ARUL MURUGAN

WP No.35240 of 2025

R.Raja : Petitioner

versus

- 1.The Commissioner,
Land Administration, Chepauk, Chennai
- 2.The Director,
Rural Development & Directorate of panchayats,
Panagal Palace, Saidapet, Chennai 600 015
- 3.The District Collector,
Chengalpat
- 4.The Planning Director,
District Rural Development Agency,
Collectorate, Chengalpet
- 5.The Tahsildar,
Cheyyur, Chengalpet District
- 6.The Assistant Director,
Panchayat, Chengalpet
- 7.The Block Development Officer,
Sithamur, Chengalpet District
- 8.Adhiparasakthi Aaanmiga Iyakkam,
Melmaruvathur, Chengalpet District : Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to remove the encroachments over the survey number 8 measuring 0.09.5 hectares and survey number 10/1 measuring 0.16.0 hectares in Mel Maruvathur Village, Cheyyur Taluk, Chengalpet District, consequently to restore the crematorium in the said survey numbers.

For Petitioner : Mr.G.Srivenkatesh

For Respondents : Mr.P.Muthukumar,
Additional Advocate-General,
assisted by Mr.T.K.Saravanan,
Additional Government Pleader,
for respondents 1 to 7

Mr.K.Rajasekhar,
for respondent No.8

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

Order of this Court dated 25.10.2025 is required to be recalled as we are of the view that the said order was passed without it being brought to the notice of the Court that the land of the encroacher has been acquired later on by the Southern Railways.

2. The petitioner seeks issuance of a mandamus for removal of encroachment by respondent No.8. Respondent No.8 has no defence, as it has failed to produce any material before this Court to satisfy that it was in valid possession of the land. It appears that in order to save its encroachment, respondent No.8 had offered its own alternative land 20 years before.



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3. We are of the view that no one can legalise encroachment by offering an alternative land in the manner in which it is being done. A land has to be allotted. When there is no allotment, encroachment cannot be justified.

4. We leave the matter in the hands of the authorities, because the land is presently recorded as 'burial ground'. Whether or not it should be continued as burial ground as it is surrounded by temples, and if not, what use the land should be put to, are all matters to be considered by the authorities. The encroachment will have to be removed. The writ petition stands closed. There will be no order as to costs.

(MANINDRA MOHAN SHRIVASTAVA, CJ.) (G.ARUL MURUGAN, J.)
11.12.2025

Index : Yes/No
Neutral Citation : Yes/No
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THE HON'BLE CHIEF JUSTICE
AND

G.ARUL MURUGAN, J.

(tar)

To

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