



W.P.No.32324 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2025

CORAM

THE HONOURABLE MR. JUSTICE **M.SUNDAR**

and

THE HONOURABLE MR. JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.32324 of 2025

Radhakrishnan

.. Petitioner

vs.

- 1.The District Collector,
Office of the District Collector,
Palladam Road, Tirupur City,
Tirupur District.
- 2.Block Development Officer,
Dharapuram Division,
Dharapuram Taluk, Tirupur District.
- 3.The Revenue Tahsildar,
Office of the Tahsildar,
Pollachi Road, Dharapuram Taluk,
Tirupur District.
- 4.The Revenue Divisional Officer,
Dharapuram, Tirupur District.
- 5.The Chief Executive Officer,
Gountasi Puthur Panchayat,
Gountasi Puthur Panchayat Office,
Dharapuram Taluk,
Tirupur District.

6.Dhandapani

.. Respondents

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Writ Petition filed under Article 226 of the Constitution of India

praying to issue a writ of mandamus directing the respondents 1 to 5 to remove the encroachment made by the 6th respondent who owns Plot No.12 in R.K.P. Nagar has encroached upon the 23 feet wide public pathway by constructing a wall in Kottapulipalayam, Goundachipudur Panchayat, Chitravuthanpalayam Village, Dharapuram Taluk, Tirupur District.

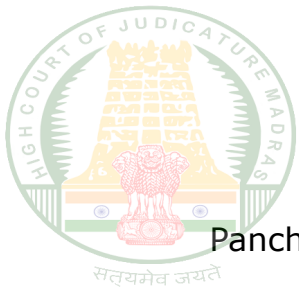
For Petitioner .. Mr.V.Lakshminarayanan

For Respondents .. Mr. M.S.Arasakumar,
Government Advocate
for R1, R3 and R4
Mr.P.Balathandayutham,
Special Government Pleader
for R2 and R5

ORDER

[Order of the Court was made by M.SUNDAR, J.]

Subject matter of captioned 'Writ Petition' [hereinafter 'WP' for the sake of brevity] is alleged encroachment in a 'pathway in front of Plot No.12, R.K.P. Nagar, Kottapulipalayam, Goundachipudur



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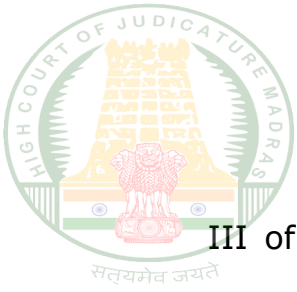
Panchayat, Chitravuthanpalayam Village, Dharapuram Taluk, Tirupur District' (hereinafter 'said land' for the sake of convenience and clarity).

2. Request for removal of aforereferred alleged encroachment by way of a representation dated 18.06.2025 has not yielded results and that has necessitated captioned WP, is the submission of Mr.V.Lakshminarayanan, learned counsel for writ petitioner.

3. Issue notice to official respondents.

4. Mr. M.S. Arasakumar, learned Government Advocate, accepts notice for R1, R3 and R4 and Mr.P.Balathandayutham, learned Special Government Pleader accepts notice for R2 and R5.

5. Learned State counsel, submits, on instructions, that a survey will be conducted, after putting all concerned on notice and in their presence, within eight weeks from today *i.e.*, on or before 24.10.2025 and if encroachments are found, action will be commenced under 'The Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act



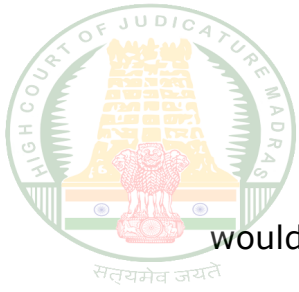
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III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity} or any other appropriate/applicable statute.

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6. If there are encroachments, action against private respondent and/or any other other encroacher(s) necessarily means that they would be show caused. This Court makes it clear that all rights and contentions of private respondent and/or any other encroacher(s) are preserved if they are show caused and this order does not touch upon their rights. Therefore, we dispense with notice to private respondent/R6 and take up the captioned WP in the Admission Board itself with the consent of learned counsel for writ petitioner and learned State counsel.

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 eight weeks from today, *i.e.*, on or before 24.10.2025, after putting all concerned on notice and in their presence and action, if any, under the said 1905 Act or any other appropriate/applicable statute, will be commenced as expeditiously as the business of official respondents



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would permit but in any event within a period of eight weeks therefrom *i.e.*, on or before 19.12.2025. There shall be no order as to costs.

(M.S., J.) (H.C., J.)
29.08.2025

Index:Yes/No
Neutral Citation:Yes/No
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To

- 1.The District Collector,
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Gountasi Puthur Panchayat Office,
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and
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