



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE M. SUNDAR

AND

THE HONOURABLE MR. JUSTICE HEMANT CHANDANGOUDAR

W.P. No.31165 of 2025 and W.M.P. No.34908 of 2025

I. Manickam

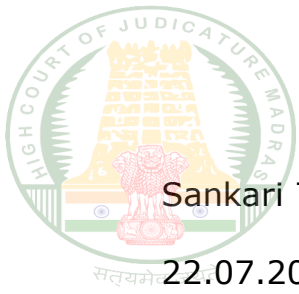
Petitioner

VS.

1. The District Collector
Salem District
2. The Revenue Divisional Officer
Sankari Taluk
Salem District
3. The Tahsildar
Sankari Taluk
Salem District
4. The Executive Officer
Arasiramani Town Panchayat
Arasiramani
Sankari Taluk
Salem District

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus forbearing the respondents from putting up any further illegal construction in the land belonging to the petitioner comprised in Survey Nos.228/11, 228/4, 228/5 and 228/7 situated in Arasiramani Village,



Sankari Taluk, Salem District based on the petitioner's representation dated 22.07.2025 to the third respondent.

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For petitioner	Mr. M. Baskaran
For RR 1 to 3	Mr. T.K.Saravanan Addl. Govt. Pleader
For R4	Mr. N. Muthuvel Government Advocate

ORDER

(made by M. SUNDAR, J.)

Subject matter of captioned main 'writ petition' [hereinafter 'WP' for the sake of brevity] is lands comprised in 'Survey Nos.228/11, 228/4, 228/5 and 228/7 in Arasiramani Bit 1 Village, Sankagiri Taluk, Salem District' [hereinafter 'said lands' for the sake of convenience and clarity].

2. Mr. M. Baskaran, learned counsel on record for writ petitioner, submits that said lands belong to writ petitioner and patta *qua* said lands in the name of the writ petitioner is patta no.54. In other words, said lands are private lands but respondents are attempting to encroach upon the said lands, is learned counsel's say.

3. Issue notice to respondents.



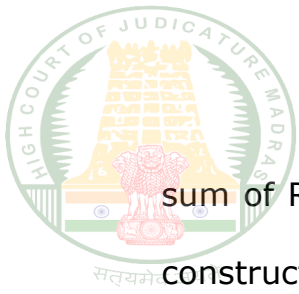
4. Mr. T.K. Saravanan, learned Additional Government Pleader, accepts notice for respondents 1 to 3 and Mr. N. Muthuvel, learned Government Advocate, accepts notice for fourth respondent.

5. Mr. T.K. Saravanan, learned State counsel for respondents 1 to 3, submits as follows:

- i. A public library is being constructed by fourth respondent and that is only in Survey No.228/9 and not in said lands;
- ii. Newspaper advertisement was given on 07.10.2024 but there has been no objection from the writ petitioner; and
- iii. Construction of public library will be restricted to Survey No.228/9 and it will not be in said lands.

6. Be that as it may, learned counsel for writ petitioner submits that in the process of putting up a library in Survey No.228/9, part of said lands is also being encroached upon by the State.

7. To be noted, learned State counsel submits that after paper publication in the aforesaid manner calling for objections, no objection was received from writ petitioner, construction commenced after sanction of a



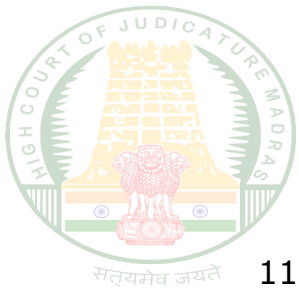
sum of Rs.22 lakhs on 23.01.2025 and 30% of the construction is over and construction is underway.

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8. This Court finds that the scope of the captioned main WP is very limited and therefore, with the consent of learned counsel on either side, captioned main WP is taken up in the Admission Board itself.

9. In the light of the prevailing scenario which has been captured *supra*, this Court deems it appropriate to direct the third respondent (Tahsildar) to conduct a survey of said lands as well as the land in S.No.228/9, after putting on notice writ petitioner, permitting writ petitioner to be present throughout the survey, localise Survey No.228/9 and draw up a survey report. A copy of the survey report shall be furnished to the writ petitioner.

10. In the survey report, if it comes to light that the said lands have been encroached upon, the State shall ensure that adequate compensation in accordance with the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, is paid to writ petitioner. If that is not so, *i.e.*, in other words, if no enroachment is found, it would be curtains on the matter.



11. The aforesaid exercise of survey by third respondent, drawing up of survey report and furnishing a copy of the same to writ petitioner shall be completed as expeditiously as the official business of third respondent permits but in any event within four weeks from today, *i.e.*, on or before 18.09.2025.

12. Captioned main WP stands disposed of in the aforesaid manner. Consequently, captioned writ miscellaneous petition thereat is also disposed of as closed. There shall be no order as to costs.

(M.S., J.) (H.C., J.)
21.08.2025

cad
Index : Yes/No
NC : Yes/No



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W.P. No.31165



M. SUNDAR, J.

and

HEMANT CHANDANGOUDAR, J.

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