



W.P.No.32610 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2025

CORAM

THE HONOURABLE MR. JUSTICE M.SUNDAR
and

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P. No.32610 of 2025

M. Sridevi Subashini

Petitioner

vs.

1. The District Collector
Salem District
Salem

2. The Commissioner
Corporation of Salem
Salem

3. The Zonal Commissioner
Corporation of Salem
Hasthampatti
Salem 636 007

4. G. Chandrasekar

Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents 1 to 3 to remove the encroachment made by the fourth respondent in the common passage situated in Ward D, Block No.27, T.S.No.70/15E belonging to the second respondent Corporation by putting up a milk booth and to demolish the construction put up by the fourth respondent without obtaining planning and building permission

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adjacent to the compound wall of the petitioner without leaving any setbacks, pursuant to the petitioner's representation dated 26.06.2025.

For petitioner	Mr. A. Saravanan
For R1	Mr. M.S. Arasakumar Government Advocate
For RR 2 & 3	Ms. N. Devi Standing Counsel
For R4	Notice dispensed with

ORDER

[made by M.SUNDAR, J.]

Subject matter of captioned main 'writ petition' [hereinafter 'WP' for the sake of brevity] is alleged encroachment in 'common passage in Ward D, Block No.27, T.S.No.70/15E, Vivekanandar Street, New Fairlands, Salem Taluk, Salem 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 26.06.2025 has not yielded results and that has necessitated captioned WP, is the submission of Mr.A.Saravanan, learned counsel on record for writ petitioner.

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3. Issue notice to official respondents (respondents 1 to 3).

4. Mr. M.S. Arasakumar, learned Government Advocate, accepts notice for first respondent and Ms. N. Devi, learned Standing Counsel, accepts notice for respondents 2 and 3.

5. Learned State counsel for first respondent, submits, on instructions, that a survey of the said land will be conducted, after putting all concerned on notice and in their presence, within eight weeks from today *i.e.*, on or before 27.10.2025 and upon survey, if encroachments are found, action will be commenced under the provisions of 'The Tamil Nadu Urban Local Bodies Act, 1998 (Tamil Nadu Act 9 of 1999)' [hereinafter 'TNULB Act' for the sake of brevity].

6. If there are encroachments, action against private respondent and/or any other other encroacher(s) under the TNULB Act necessarily means that they would be show caused. This Court makes it clear that all rights and contentions of private respondent (fourth respondent) and/or any other encroacher(s) are preserved if he/they



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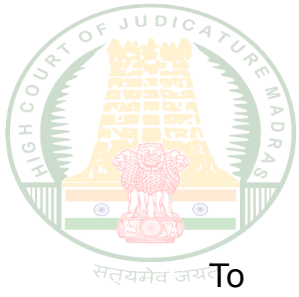
is/are show caused and this order does not touch upon his/their rights.

Therefore, we dispense with notice to private respondent (fourth respondent) and/or any other alleged encroacher(s) and take up the captioned WP in the Admission Board *i.e.*, Motion List, with the consent of all the aforementioned counsel before us.

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 for first respondent that survey of said land will be done within a period of eight weeks from today, *i.e.*, on or before 27.10.2025, after putting all concerned on notice and in their presence and action, if any, under the TNULB Act, will be commenced 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 22.12.2025. There shall be no order as to costs.

(M.S., J.) (M.S.K.,J.)
01.09.2025

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