



WEB COPY

W.P. No.38192 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2025

CORAM:

THE HON'BLE MR. JUSTICE M. SUNDAR
AND
THE HON'BLE MR. JUSTICE K. RAJASEKAR

W.P. No.38192 of 2024 and W.M.P. No.41310 of 2024

Nallamuthu

Petitioner

vs.

1. The District Collector
Salem District
Salem 636 001
2. The Revenue Divisional Officer
Attur 636 102
Salem District
3. The Tahsildar
Attur Taluk
Attur 636 102
Salem District
4. The Block Development Officer (Village Panchayat)
Attur Panchayat Union
Attur 636 102
Salem District
5. V. Ramachandran
6. Thavamani

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to remove the encroachments in the panchayat tar road passing through survey nos. 92/7, 92/1 and 92/2 situated at Valayamadevi Village, Salem District and ensure that the panchayat tar road is meant for public transport



and access to the Adi Dravidar people based on the petition representation dated 09.08.2024 and 05.09.2024.

For petitioner	Ms. S. Vinodha
For RR 1 to 3	Mr. T.K. Saravanan Government Advocate
For R4	Mr. P. Harish Government Advocate

ORDER

(made by M. SUNDAR, J.)

Captioned main 'writ petition' ('WP' for the sake of brevity) pertains to alleged encroachments in S.Nos. 92/7, 92/1 and 92/2 in Valayamadevi Village, Attur Taluk, Salem District ('said lands' for the sake of clarity and convenience).

2. Ms. S. Vinodha, learned counsel for writ petitioner submits that RR 5 and 6 (private respondents) have encroached upon said lands, official respondents were petitioned but the same did not evoke any response/action and that has necessitated the filing of captioned main WP.

3. Issue notice to official respondents, *i.e.*, RR 1 to 4.



4. Mr. T.K. Saravanan, learned Government Advocate, accepts notice for RR 1 to 3. Mr. P. Harish, learned Government Advocate, accepts notice for R4.

5. Mr. T.K. Saravanan, learned State counsel, submits that *prima facie*, there appears to be no encroachment/s *qua* said lands but it is also submitted that no survey of said lands has been done.

6. In the light of the narrative thus far, we deem it appropriate to write that R3 (Tahsildar) shall survey the said lands within a period of three weeks from today, *i.e.*, by 23.01.2025, after putting on notice writ petitioner as well as private respondents - RR 5 and 6 (in their presence or in the presence of their representatives). If no encroachment is found, that would be the end of the matter but if encroachment/s is/are found, suitable action shall be commenced and concluded under appropriate statute (obviously providing for alleged encroachers/violators to be show caused) as expeditiously as the business of the official respondents would permit but, in any event, within a period of twelve weeks from today, *i.e.*, by 27.03.2025. We make it clear that all the rights and contentions of private respondents are preserved. This is the safety valve *qua* private respondents and



therefore, with the consent of learned counsel on both sides, main v
itself is taken up for final disposal in the Admission Board.

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Captioned main WP is disposed of in the aforesaid manner.

Consequently, captioned W.M.P. stands disposed of as closed. There
shall be no order as to costs.

(M.S., J.) (K.R.S., J.)
02.01.2025

Index : Yes/No
NC : Yes/No
cad



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