



WEB COPY

W.P. No.33383 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2025

CORAM:

THE HON'BLE MR. JUSTICE M. SUNDAR

AND

THE HON'BLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.33383 of 2025

Shankari Panneerselvam

Petitioner

vs.

1. The District Collector
Chengalpattu District
Chengalpattu

2. The Tahsildar
Tambaram Taluk
G.S.T. Road
Tambaram
Chennai

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to remove the temple constructed on the public well comprised in S.No.333A/1A1 (Part), No.7, Annadurai Street, East Tambaram, Chennai, based on the representation made by the petitioner on 09.01.2024 along with the inhabitants of the area, to the respondents.

For petitioner Mr. A. Lakshmi Narasimhan

For respondents Mr. M.S. Arasakumar
Government Advocate



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W.P. No.33383 of 202



ORDER

(made by M. SUNDAR, J.)

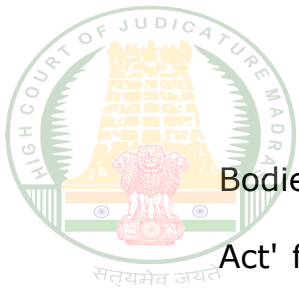
Subject matter of captioned 'writ petition' [hereinafter 'WP' for the sake of brevity] is alleged encroachment by way of a temple on 'a public well comprised in S.No.333A/1A1 (Part), No.7, Annadurai Street, East Tambaram, Chennai' [hereinafter 'said property' for the sake of convenience and clarity].

2. Request for removal of aforereferred alleged encroachment by way of a representation dated 09.01.2024 has not yielded results and that has necessitated captioned WP, is the submission of learned counsel for writ petitioner.

3. Issue notice to respondents.

4. Mr. M.S. Arasakumar, learned Government Advocate, accepts notice for respondents.

5. Learned State counsel, submits, on instructions, that a survey of said property will be conducted, after putting all concerned on notice and in their presence, within eight weeks from today *i.e.*, on or before 29.10.2025 and if encroachments are found, action will be commenced under Section 128 of 'The Tamil Nadu Urban Local



Bodies Act, 1998 (Tamil Nadu Act 9 of 1999)' [hereinafter 'TNULB Act' for the sake of brevity] within eight weeks therefrom *i.e.*, on or before 24.12.2025.

6. If there is encroachment, action against encroacher(s) necessarily means that encroacher(s) would be show caused. This Court makes it clear that all rights and contentions of encroacher(s) are preserved if encroacher/s is/are show caused and this order does not touch upon their rights. Therefore, we take up the captioned WP in the Admission Board *i.e.*, Motion List, 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 of said property will be done within a period of eight weeks from today, *i.e.*, on or before 29.10.2025, after putting all concerned on notice and in their presence and action, if any, under Section 128 of TNULB Act, will be commenced as expeditiously as the business of respondents would permit but in any event within a period of eight weeks therefrom *i.e.*, on or before 24.12.2025. There shall be no order as to costs.

(M.S., J.) (M.S.K., J.)
03.09.2025

cad



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M. SUNDAR, J.

and

MUMMINENI SUDHEER KUMAR, J.

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To

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2. The Tahsildar
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