



W.P.No.37548 of 2024 and W.M.P. No.40590 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2025

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.37548 of 2024 and W.M.P. No.40590 of 2024

E. Kolanji

Petitioner

Vs.

1. State of Tamil Nadu
represented by the Secretary to Government
Revenue Department
Secretariat
Fort St.George
Chennai 600 009
2. The District Collector
Kallakurichi
Kallakurichi District
3. The Revenue Divisional Officer
Kallakurichi
Kallakurichi District
4. The Tahsildar
Taluk Office
Chinna Salem
Kallakurichi District
5. The Inspector of Police
Chinna Salem Police Station
Chinna Salem
Kallakurichi District 606 201
6. Logambal

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7. Ramki
8. Sathish Kumar
9. Thoppalan

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 4 to remove the encroachment on the public road by the respondents 7 to 9 comprised in S.No.186/2E situate in Mamanthur Village, Chinna Salem Taluk, Kallakurichi District.

For petitioner	Mr. S.A. Secular
For RR 1 to 4	Mr. T.K. Saravanan Government Advocate
For R5	Mr. M. Babu Muthu Meeran Addl. Public Prosecutor

ORDER

[made by M.SUNDAR, J.]

Captioned main 'writ petition' (hereinafter 'WP' for the sake of brevity) has been filed with a mandamus prayer qua RR 1 to 4 seeking removal of alleged encroachments in 'Survey No.186/2E in Mamanthur Village, Chinna Salem Taluk, Kallakurichi District' (hereinafter 'said land' for the sake of convenience and clarity).



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2. Mr. S.A. Secular, learned counsel for writ petitioner submits that said land is a public road.

3. Issue notice to official respondents.

4. Mr. T.K. Saravanan, learned Government Advocate, accepts notice for RR 1 to 4. Mr. M. Babu Muthu Meeran, learned Additional Public Prosecutor, accepts notice for R5.

5. Mr. T.K. Saravanan, learned State counsel, submits that patta has been issued as regards said land in favour of one Arumugam (son of R9) and another Arumugam (son of Periyasamy) to an extent of 0-5.15 hectares, in other words, 5.15 ares.

6. Owing to the limited scope of the captioned main WP, the same is taken up in the Admission Board with the consent of learned counsel on both sides preserving all the rights and contentions of private respondents (RR 7 to 9) as well as R6 who is said to be similarly placed *qua* writ petitioner.

[illegible][illegible]



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8. Learned counsel for writ petitioner submits that the above may not be the entire extent of said land.

9. In response to the above submission of learned counsel for writ petitioner, learned State counsel submitted that R4 (Tahsildar) will survey the entire extent of S.No.186/2E and if there is any public road and/or encroachment in the same, suitable action under appropriate statute will be taken. This submission of learned State counsel is recorded.

10. We deem it appropriate to dispose of the captioned main WP recording the stated position of the learned State counsel and writing that R4 will do well to complete the aforementioned exercise as expeditiously as possible but in any event, within a period of eight weeks from today *i.e.*, by 06.03.2025. If there is any public road in said land and if any encroachment in public road is found, though obvious, we make it clear that alleged encroachers shall be show caused/put on notice before any action under appropriate statute is taken. This safeguards the interest of private respondents (RR 7 to 9)



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{to be noted, rights of R6 who is said to be similarly placed qua writ petitioner have also been preserved *vide* paragraph 6, *supra*} and therefore, there is no impediment in disposal of the captioned main WP in the Admission Board itself.

11. Captioned main WP is disposed of in the aforesaid manner. *i.e., inter alia* recording the stated position of learned State counsel. Consequently, captioned WMP thereat is disposed of as closed. There shall be no order as to costs.

(M.S., J.) (K.R.S., J.)
09.01.2025

cad
Index : Yes/No
Internet : Yes/No



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To

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