



WEB COPY

W.P. No.33196 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.33196 of 2025

Ramasamy

Petitioner

vs.

1. The District Collector
Office of the District Collector
Salem
2. The Tahsildar
Office of Tahsildar
Gangavalli
Salem District
3. P. Muthumsay
4. R. Kandhasamy

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 and 2 to remove the encroachments caused by respondents 3 and 4 over the public road comprised in S.F. Nos.225/2, 226/5, 226/7 and 224 of Sathasivapuram Village and S.F. No.310/7, 309/3, 323/4, 325/3 and 331 of Othiyathur Village, Salem District, by considering the petitioner's representation dated 21.01.2025 and 28.05.2025 within a time frame.



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W.P. No.33196 of 202



For petitioner Ms. D. Jeevitha
For respondents Mr. T.K. Saravanan
Additional Government Pleader

ORDER

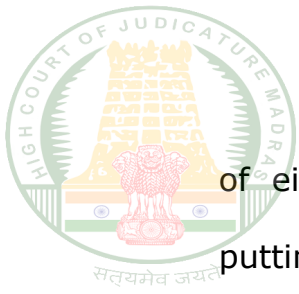
(made by M. SUNDAR, J.)

Subject matter of captioned 'writ petition' [hereinafter 'WP' for the sake of brevity] is alleged encroachments in 'S.F. Nos.225/2, 226/5, 226/7 and 224 of Sathasivapuram Village, Thalaivasal Taluk, Salem District and S.F. No.310/7, 309/3, 323/4, 325/3 and 331 of Othiyathur Village, Gangavalli Taluk, Salem District' [hereinafter collectively referred to as 'said lands' for the sake of convenience and clarity].

2. Request for removal of aforereferred alleged encroachments by way of representations dated 21.01.2025 and 28.05.2025 has not yielded results and that has necessitated captioned WP, is the submission of learned counsel for writ petitioner.

3. Issue notice to official respondents (respondents 1 & 2).

4. Mr. T.K. Saravanan, learned Additional Government Pleader, accepts notice for respondents 1 and 2. Learned State counsel submits that survey of said lands 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 depending on the outcome of the survey, action for removal of encroachments (if found) will be commenced *vide* 'the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' [hereinafter 'said 1905 Act' for the sake of convenience and clarity], 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 24.12.2025. This submission is recorded.

5. Though obvious, we make it clear that all the rights and contentions of private respondents (respondents 3 and 4) stand preserved and this order does not impinge upon their rights. Therefore, there is no impediment in dispensing with notice to private respondents (respondents 3 and 4) and taking up the captioned WP with the consent of the learned State counsel and learned counsel for writ petitioner. We do so.

6. 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. 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

1. The District Collector
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Salem
2. The Tahsildar
Office of Tahsildar
Gangavalli
Salem District

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