



W.P.No.2168 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2025

CORAM

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

W.P.No.2168 of 2025

R.Kumar

... Petitioner

Vs.

1.The District Collector,
Coimbatore District,
Coimbatore.

2.The Block Development Officer,
Sulur Taluk, Coimbatore District,
Coimbatore.

3.The Tahsildar,
Sulur Taluk,
Coimbatore District.

4.K.Velusamy

.. 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 put up by the 4th respondent on the street running North South in Sulur Taluk, Kaduvettipalayam Village, Molakalipalayam, Natham Survey No.430, New Survey No. 430/6, Public Road, the only way for ingress and egress to and from the respective properties in the neighbourhood.

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For Petitioner : Ms.V.Karthigaipriya
For Respondents : Mr.T.K.Saravanan
Government Advocate
for R1 and R3
Mr.D.Ravichander
Special Government Pleader
for R2

ORDER

[Order of the Court was made by **M.SUNDAR, J.,**]

Captioned main 'Writ Petition' (hereinafter 'WP' for the sake of brevity) has been filed with a mandamus prayer seeking removal of alleged encroachment made by R4 (Mr.K.Velusamy, S/o.Mr.Karuppanna Gounder) in 'Natham Survey No.430, New Survey No. 430/6, Survey No.430, Kaduvettipalayam Village, Sulur Taluk, Coimbatore District' (hereinafter 'said land' for the sake of brevity).

2. Ms.V.Karthigaipriya, learned counsel on record for writ petitioner submits that the said land is a public road. Learned counsel for writ petitioner submits that the repeated pleas made to official respondents are in vain and that necessitated the captioned main WP.



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3. Issue notice to official respondents.

4. Mr.T.K.Saravanan, learned Government Advocate accepts notice for R1 and R3 and Mr.D.Ravichander, learned Special Government Pleader accepts notice for R2.

5. Mr.T.K.Saravanan, learned Government Advocate submits on instructions that R3 has surveyed said land and noticed some encroachments and notice under Section 7 of 'The Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity} has been issued to R4 (private respondent – Mr.K.Velusamy, S/o.Mr.Karuppanna Gounder).

6. As R4 has been show caused inter-alia vide notice under Section 7 of said 1905 Act, we make it clear that all the rights and contentions of R4 are preserved for responding suitably to the Section 7 notice. We are informed that Section 7 notice is dated 08.01.2025. The submission of learned State counsel is recorded.



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7. As the rights and contentions of R4/private respondent are preserved, we find no impediment in taking up the main WP in the Admission Board with the consent of learned State counsel and learned counsel for writ petitioner. We do so.

8. Considering the limited scope of the captioned main WP, we are of the considered view that it will suffice to record the stated position of learned State counsel and dispose of the captioned main WP saying that proceedings commenced under said 1905 Act shall continue on its own merits and in accordance with law and shall be concluded as expeditiously as the business of official respondents would permit.

9. Captioned WP is disposed of in the aforesaid manner. There shall be no order as to costs.

(M.S.,J.) (K.R.S.,J.)
28.01.2025

Index : Yes / No
Neutral Citation : Yes / No
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To

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- 3.The Tahsildar,
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**M.SUNDAR, J.,
and
K.RAJASEKAR, J.,**

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