



W.P. No.12411 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE MRS.JUSTICE K. GOVINDARAJAN THILAKAVADI

W.P.No.12411 of 2025

P. Ramamoorthi

Petitioner

vs.

1. The District Collector
Coimbatore - 18
2. The Thasildar
Thaluka Office, Sirumugai Road
Mettupalayam - 641 301
3. The Village Administrative Officer
Velliyankadu
Coimbatore - 641 104
4. The Assistant Engineer
P.W.D. W.R.D.
Irrigation Section – Mahadevapuram
Mettupalayam
Coimbatore 641 301
5. Sakthi
6. Paapa and Maari
7. Vellingiri and Bathma

Respondents

Writ Petition filed under Article 226 of the Constitution of India
seeking a writ of mandamus directing the respondents 1 to 4 to take

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action to remove the encroachments on the waterways of P.W.D. areas in Coimbatore, Mettupalayam (Taluk), Velliyankadu Village Survey No.163 1A1, 1B2 made by respondents 5, 6 & encroachments in Coimbatore, Mettupalayam (Taluk), Velliyankadu Village, Mullai Nagar roads survey No.163 1B3, 2B1 made by respondent 7.

For petitioner	Mr. P. Ramamoorthi Party-in-person
For RR 1 to 4	Mr. T.K. Saravanan Additional Government Pleader

ORDER

[made by M.SUNDAR, J.]

Writ petitioner Thiru. P. Ramamoorthi, son of late Thiru.A.Prakalathan is before us (party-in-person).

2. Writ petitioner submits that his house is located in 'Survey Nos.163 1A2 and 2A in Velliyankadu Village, Mettupalayam Taluk, Coimbatore District' (this land and superstructure thereon *i.e.*, writ petitioner's house, shall be collectively referred to as 'writ petitioner's property' for the sake of convenience and clarity).



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3. Thiru. Ramamoorthi, writ petitioner, who is before us, submits that there is encroachment in front of writ petitioner's property obstructing public path for the writ petitioner to reach the main road. It is also submitted by writ petitioner that RR 5 to 7 (private respondents) are the alleged encroachers. It is further submitted by writ petitioner that representations have been sent to official respondents but there has not been effective action and that has necessitated the captioned WP.

4. Issue notice to official respondents.

5. Mr. T.K. Saravanan, learned Additional Government Pleader, accepts notice for RR 1 to 4 (official respondents) and submits, on instructions, that it will be necessary to conduct a survey, ascertain if there is any encroachment and kickstart proceedings under appropriate / applicable law, if encroachment is found in the survey.

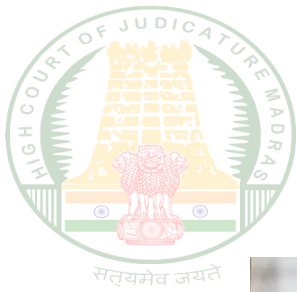


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6. This Court finds that the legal perimeter within which the captioned WP should now perambulate stands vastly descoped. This Court also finds that adequate safety valve protecting / preserving the rights and contentions of private respondents (RR 5 to 7) can be put in. To put it differently, an order which does not touch upon the rights and contentions of RR 5 to 7, rather preserving the rights and contentions of RR 5 to 7 can be made to give a closure to the captioned WP. Therefore, notice to RR 5 to 7 is dispensed with and with the consent of writ petitioner and learned State Counsel for official respondents, captioned WP is taken up in the Admission Board, *i.e.*, Motion List.

7. Though writ petitioner has sent more than one representation, writ petitioner submitted that he predicates his plea in the captioned WP on a representation dated 20.09.2024 sent by him to R1 with copies marked to RR 2 and 3 and Public Works Department, Mettupalayam. A scanned reproduction of this representation dated 20.09.2024, as placed before us, is as follows:



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(Registered Post With Acknowledgement)

Ref. No. COL/APPEL/200924

20.09.2024,

Velliyankadu.

Mobile No. 8610451310

From,

R. Vishnuvardhan / P. Ramamoorthi,
1/150 A Kandiyur Road,
Velliyankadu,
Coimbatore - 641 104.

To,

The District Collector,
Collector Office,
Coimbatore - 18.

Ref.:- Mettupalayam Thasildar Memorandum 2173/2024/A7 dated 27.08.2024

Dear Sir,

We have raised the complaint petition to you about public land, PWD lands / waterways "encroachment" and eviction of those illegal huts on 14.11.2023 and further reminder letter given to you directly at your offices on 29.07.2024. Petition No. 25

In connection with this petition Mettupalayam Thasildar had sent a memorandum letter to the village officer of **velliangadu VAO** and respective officer(s) to take action to remove the illegal huts vide letter ref. mentioned above.

But no action has been taken so far regarding these illegal encroachments. After the Tahsildar's official memorandum, anti-social elements are actively engaged in construction of new buildings on waterways and PWD and government lands.

This ensures that all these activities are carried out with the support of the authorities and local politicians. Drugs and anti-social activities are commonplace in these encroached areas. Due to this, students and the public suffer when they pass through the area.

At night, the anti-socials living there drink liquor and fight among themselves obnoxiously and disturb the public peace, causing us great distress.

So, kindly take this reminder petition and give it high priority. We humbly request you to take necessary legal action to remove illegal encroachments and save the waterways / public space.

P. Ramamoorthi

Signed by:

R. Vishnuvardhan

Vishnuvardhan

C.C. : (1) The Tahsildar - Mettupalayam. (2) V.A.O. Velliyankadu (3) P.W.D. Mettupalayam



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8. Adverting to the writ affidavit and the prayer in the writ petition, writ petitioner submits that alleged encroachments by RR 5 and 6 on the one hand, and R7 on the other, are in 'Survey Nos.1631A1 and 1B2, and S.Nos. 163 1B3 and 2B1, respectively, in Velliankadu Village, Mettupalayam Taluk, Coimbatore District' (hereinafter 'said lands' for the sake convenience and clarity).

9. In the light of the stated position of the learned State counsel, the following order is made:

- i. R2 (Tahsildar) shall conduct a survey of said lands after putting on notice the writ petitioner, private respondents (RR 5 to 7) as well as any other person who may be concerned with said lands. In other words, there shall be a joint survey. Learned State counsel submits that this joint survey will be conducted as expeditiously as the official business of R2 permits but in any event within four weeks from today, *i.e.*, on or before 06.05.2025. This submission is recorded as an undertaking given to this Court.



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- ii. R2 shall draw up a survey report (hereinafter 'said survey report' for the sake of convenience and clarity);
- iii. In said survey report, if any encroachment is found, proceedings shall be initiated under appropriate/applicable statute;
- iv. Initiation of proceedings under appropriate/applicable statute necessarily means putting on notice private respondents (RR 5 to 7) as well as any other alleged encroacher/s;
- v. As already alluded to *supra*, when the private respondents and/or any other alleged encroacher/s are put on notice, all rights and contentions of the private respondents as well as any other alleged encroacher/s will stand preserved for responding to notice which gives an opportunity or when responding to a show cause notice when show caused, as the case may be;
- vi. As we have put in adequate safety valve and as we have also preserved all the rights and contentions of private respondents and/or any other alleged encroacher/s, there is no impediment in taking up



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the captioned WP with the consent of writ petitioner and learned State Counsel, dispensing with notice to private respondents about which there is allusion at paragraph 6 *supra*.

vii.If encroachments are found in said survey report, action under appropriate/applicable statute shall be initiated within four weeks from 06.05.2025 *i.e.*, on or before 03.06.2025; and

viii.Thereafter, proceedings shall be continued on its own merits, in accordance with law and concluded by carrying the same to its logical end.

10. Captioned WP stands disposed of in the aforesaid manner.

There shall be no order as to costs.

(M.S., J.) (K.G.T., J.)

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cad
Index : Yes/No
NC : Yes/No



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