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W.P.No.36649 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2025

CORAM:

THE HONOURABLE Mr. JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE Mr. JUSTICE HEMANT CHANDANGOUDAR

W.P.No.36649 of 2025

P.Sampath
S/o.M.A.Ponnusamy

...Petitioner

Vs.

1. The District Collector,
Collectorate,
st
1 Floor, Tiruchengode Road,
Namakkal – 637 003.
2. The Revenue Divisional Officer,
Tiruchengode, Tiruchengode Taluk,
Namakkal – 637 211.
3. The Tahsildar,
Tiruchengode,
Tiruchengode Taluk,
Namakkal District – 637 211
4. The Block Development Officer,
Elachipalayam Panchayat Union,
Elachipalayam, Namakkal District – 637 202.
5. The Special Officer,
Mandagapalayam Panchayat,
Tiruchengode Taluk,
Namakkal District – 637 205.

6. S.Ramesh

...Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents, especially the respondents 4 & 5 herein, to remove the encroachment of 11.5 sq.metres in the Panchayat public lane comprised in S.No.263/6 of Mandagapalayam Village, Elachipalayam Panchayat Union, Tiruchengode Taluk, Namakkal District as notified by the 5th respondent in his proceedings in Na.Ka.No.1/2025 dated 21.05.2025 within the time frame.

For Petitioner : Mr.D.Shivakumaran
For Respondent : Ms.M.Jayanthi,
Additional Government Pleader
[R1 to R3]
Mr.V.Venkata Seshaiya
Government Advocate [R4 & R5]

ORDER

(Order of the Court was made by R. SURESH KUMAR, J.)

The prayer sought for herein is for a Writ of Mandamus, directing the respondents, especially the respondents 4 & 5 herein, to remove the encroachment of 11.5 sq.metres in the Panchayat public lane comprised in S.No.263/6 of Mandagapalayam Village, Elachipalayam Panchayat Union, Tiruchengode Taluk, Namakkal District as notified by the 5th respondent in his proceedings in Na.Ka.No.1/2025 dated 21.05.2025 within the time frame.

2. The land at survey No.263/6 at Mandagapalayam Village,
2/6



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Elachipalayam Panchayat Union, Tiruchengode Taluk, Namakkal District

is a Government poromboke land or Natham land, which has been encroached upon and construction has been made by the private respondent i.e., the sixth respondent was the allegation made by the petitioner.

3. Pursuant to the said complaint and allegation made by the petitioner, the official respondents i.e., revenue authorities as well as the local authorities had conducted a survey and they found that encroachment has been made by the private respondent and a notice to that effect under the Tamil Nadu Panchayats Act, 1994 to remove such encroachment had already been issued that is what the statement given by the learned counsel appearing for the official respondents. Despite the same, no further action seems to have been taken and still the encroachment has not been removed.

4. However, Mr.V.Venkata Seshaiya, learned Government Advocate appearing for the fourth and fifth respondents, on instructions would submit that since the sixth respondent has filed a civil suit seeking for a prohibitory order against the official respondents from removal of encroachment made by the sixth respondent, the fourth and fifth



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respondents as well as the other official respondents are not in a position to move further to remove such encroachment.

5. We have considered the said submissions made by the learned counsel appearing for both sides.

6. Insofar as the land in question is concerned, it is admittedly Government land or poromboke/natham land. In such view of the matter, if at all it is found to be an encroachment on the part of the sixth respondent, the encroachment shall be removed, for which since action has already been initiated, the same can be continued by the fourth and fifth respondents as per the provisions of the relevant legislation and in this context unless there is a prohibitory order passed by the Civil Court, the mere filing or pendency of the civil suit would not stand in the way.

7. In that view of the matter, there shall be a direction to the respondents, especially the respondents 3, 4 and 5 to take immediate action to remove such encroachment on the part of the sixth respondent of-course after giving a notice to the sixth respondent within a period of two(2) months from the date of receipt of a copy of this order.



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With these directions, this writ petition is disposed of. No costs.

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(R.S.K., J.) (H.C., J.)
13.11.2025

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Index: Yes/No

Neutral Citation: Yes/No

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