



WP No. 42443 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-11-2025

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P No. 42443 of 2025

Ranganathan
S/o.Nadesapadaiyachi, Pillaiyar Koil
Street,Umayalpuram Village And Post,
Pethanaickenpalayam Taluk, Salem- 636 191.

..Petitioner

Vs

1. The District Collector
O/o.The District Collector, Salem- 636 001.
2. The District Superintendent Of Police
O/o.The District Superintendent Of Police,
Salem-636 002.
3. The Assistant Director (panchayats)
O/o.The District Rural Development Agency,
Salem- 636 001.
4. The Revenue Divisional Officer
O/o.The Revenue Divisional Officer,
Attur -636 102.
5. The Regional Development Officer
O/o.The Regional Development Officer,
Pethanaickenpalayam- 636 109.
6. The Tahsildar
O/o.The Tahsildar , Pethanaickenpalayam Taluk,
Salem-636 109.
7. The Inspector Of Police
O/o.The Inspector Of Police, Ettapur- 636 117.



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8. Narayanan
S/o.Ramasamy, Umayalpuram Village And Post,
Pethanaickenpalayam Taluk, Salem-636 191.
9. Radhakrishnan
S/o.Narayanan, Umayalpuram Village And Post,
Pethanaickenpalayam Taluk, Salem-636 191.

..Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 to 7 to conduct a proper investigation into the destruction of the aforementioned Rajavaikkal and the encroachment of the grazing land in Umayalpuram village, repair both the Rajavaaikkal footpath, reclaim the encroached grazing land and the well that was for public use, and make provision for public use and to take action against the respondents 8 and 9 for harassing and threatening the petitioner on the basis of the petitioners representation dated 11.09.2025.

For Petitioner :	Mr.R.Gururaj
For Respondents :	Ms.M.Jayanthy
	Additional Government Pleader
	-for RR 1, 3 to 6
	Mr.S.Rajkumar
	Additional Public Prosecutor
	-for RR 2 and 7
	RR 8 and 9 – Notice dispensed with

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 1 to 7 to conduct a proper investigation into the destruction of the aforementioned Rajavaikkal and the encroachment of the grazing land in Umayalpuram village, repair both the Rajavaaikkal footpath, reclaim the encroached



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grazing land and the well that was for public use, and make provision for public use and to take action against the respondents 8 and 9 for harassing and threatening the petitioner on the basis of the petitioners representation dated 11.09.2025.

2. In respect of the land situated at Survey No.89/1 and Survey No.25/2 at Umaiyalpuram Village, Pethanaickenpalayam Taluk, Salem District, which has been classified as Rajavaaikkal (water canal) and Mandaiveli Poramboke respectively, there has been an encroachment by third parties including the private respondents herein. In order to remove such encroachments and restore the Mandaiveli Poramboke as well as Rajavaaikkal lands, the petitioner herein has given several representations, lastly on 11.09.2025 to the official respondents. Having receipt of the representation, since no fruitful action has come from the official respondents, the petitioner has come before this Court by filing the present writ petition.

3. Heard the learned counsel for the petitioner, Ms.M.Jayanthi, learned Additional Government Pleader for Respondents 1 and 3 to 6, Mr.S.Rajkumar, learned Additional Public Prosecutor for respondents 2 and 7. In view of the order that is going to be passed, notice to the private respondents 8 and 9 is hereby dispensed with.



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4. Learned Additional Government Pleader, by relying upon the written instructions dated 18.11.2025 issued by the Revenue Tahsildar of Pethanaickenpalayam Taluk ie., the 6th respondent herein would contend that, out of the two survey numbers in one survey number there has been an encroachment by one person, which has been found out. In respect of other survey number, survey has to be conducted and thereafter if any encroachment is found, notice would be given under the Land Encroachment Act under Section 7 followed by action under Section 6 of the Act and accordingly encroachments would be removed in accordance with law within a reasonable time which can be fixed by this Court.

5. Having regard to the said stand taken by the learned Additional Government Pleader for the official respondents, we are inclined to dispose of this writ petition with a direction to the official respondents especially the 6th respondent to consider the representation of the petitioner dated 11.09.2025 and after giving notice to the petitioner as well as the private respondents and any other third parties who have been in encroachment of those properties viz., Rajavaaikkal and Mandaiveli Poramboke in the respective survey numbers, conduct a survey and find out encroachment either by the private respondents or by any third parties and remove such encroachment by invoking the provisions of Act 3 of 1905 ie., Land Encroachment Act. The needful as indicated above shall be completed within a period of three months from the date of receipt of a copy of this order.



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6. With the above directions, this writ petition is disposed of. No costs.

(R.S.K.,J.) (H.C.,J.)
18-11-2025

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

KST



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To

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**R.SURESH KUMAR J.
AND
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