



W.P. No.4733 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR
and
THE HONOURABLE MRS.JUSTICE K. GOVINDARAJAN THILAKAVADI

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Thattiyampatti Village Panchayat
represented by its President
K. Jayasudha
Panchayat Office
Omalur Panchayat Union
Kamalapuram Post
Kadaiyampatti Taluk
Salem District

Petitioner

vs.

1. The District Collector
Salem District
2. The Sub Collector
Sub-Collector Office
Mettur Dam – 1
Salem District
3. The Tahsildar
Kadaiyampatti Taluk
Salem District
4. The Block Development Officer
(Village Panchayat)
Omalur Panchayat Union
Office of the BDO
Omalur Panchayat Union – Omalur
Omalur Post and Taluk
Salem District



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5. Muthusamy

6. Kuppammal

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 4 to remove the encroachment and illegal construction made by respondents 5 and 6 in the "Grama Natham land" comprised in New Survey No.78/2 of Thattiyampatti Village, Kadaiyampatti Taluk, Salem District, to an extent of 10 cents.

For petitioner	Mr. S. Doraiswamy along with Mr. V. Elangovan
For RR 1 – 3	Mr. T.K. Saravanan Additional Government Pleader
For R4	Mr. V. Jeevagiridharan Additional Government Pleader

ORDER

[made by M.SUNDAR, J.]

Subject matter of captioned 'writ petition' (hereinafter 'WP' for the sake of brevity) is 'land comprised in new Survey No.78/2 in Thattiyampatti Village, Kadaiyampatti Taluk, Salem District' (hereinafter 'said land' for the sake of convenience and clarity).

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2. Mr. S. Doraiswamy, learned counsel on record for writ petitioner, along with Mr. V. Elangovan, who is before this Court, submits that said land has been classified as 'Grama Natham', RR 5 and 6 have encroached upon said land, repeated requests to official respondents are in vain and that has necessitated the captioned WP.

3. Issue notice to official respondents.

4. Mr. T.K. Saravanan, learned Additional Government Pleader, accepts notice for RR 1 to 3 and Mr. V. Jeevagiridharan, learned Additional Government Pleader, accepts notice for R4.

5. Both learned State counsel, on instructions, submit that survey of said land is to be conducted, same is on the anvil and in the survey, if any encroachment is found, action will be commenced and concluded against the encroachers, be it RR 5 and 6 and/or any other person/s or entity/ies after they being duly show caused, in accordance with law *vide* the statute under which action is initiated.



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6. In the light of the stated position of the learned State counsel, the scope of the captioned WP has considerably narrowed down and we also are acutely conscious that the private respondents (RR 5 & 6) are not before this Court but their rights and contentions will stand preserved when show caused. Therefore, there is no impediment in taking up the captioned WP for hearing with the consent of learned State counsel and learned counsel for writ petitioner. We do so.

7. In the light of the narrative thus far, we are of the considered view that it will suffice if the stated position of learned State counsel (captured in paragraph 5 *supra*,) is recorded to give a closure to the captioned WP. We do so.

8. Let survey followed by action for removal of encroachment by show causing private respondents (RR 5 & 5) and/or any other encroacher (obviously, only if encroachment is found in the survey) be commenced and concluded as expeditiously as the business of the official respondents would permit. At the time of survey, let Ms.K.Jayasudha, wife of Mr. Karumalai, who has filed the captioned WP



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in her capacity as erstwhile President of Village Panchayat be put on notice and let survey be conducted in the presence of writ petitioner as well as private respondents (RR 5 & 6).

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

(M.S., J.) (K.G.T., J.)
13.02.2025

cad
Index : Yes/No
NC : Yes/No



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