



W.P.No.39374 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2025

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.39374 of 2024

Thulasimani

S/o.Pongiyannagounder

... Petitioner

Vs.

1. The District Collector
District Collectorate
Erode District - 638 011.
2. The Revenue Divisional Officer
CSI Institutions Campus
Chidambaram Colony
Erode - 638 001.
3. The Tahsildar
Modakurichi Taluk
Erode District - 638 104.
4. The Divisional Engineer (Highways)
NABARD and Rural Roads
Mollapalayam
Erode.
5. The Divisional Engineer (Highways)
Construction and Maintenance Division

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Mollapalayam, Erode - 638 002.

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6. The Executive Officer
Modakurichi Town Panchayat
Modakurichi
Erode - 638 104.

7. The President
Anandampalayam Panchayat
Erode - 638 140.

8. The President
Poonduraisemur Panchayat
Erode - 638 115.

9. A.Sandhakumar
S/o.Atthiyappagounder

10. C.Kathrivel
S/o.Chidambaram

... Respondents

Prayer :

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 8 to remove the encroachment made by the 9th and 10th respondents on eastern side of the north south road (public road) runs through R.S.No.1 of Elumathur 'A' Village, R.S.No.254 of Poonduraisemur Village and R.S.No.847 of Modakurichi 'B' Village so as to enable the respondents 1 to 8 to construct and maintain the storm water drain to drain out the storm water on either side of the above portion of road, in order to safeguard the newly laid road and to protect the adjacent lands from soil erosion, based on



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the petitioner's representation dated 05.02.2024.

For Petitioner : Mr.T.Karthick Srinath
M/s.K.M.Vijayan Associates
For Respondents : Mr.V.Ravi,
Special Government Pleader
for R1 to R5
Mr.C.Selvaraj
Additional Government Pleader
for R6
Mr.T.K.Saravanan
Government Advocate
for R7 and R8

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 qua R1 to R8 seeking a direction to remove alleged encroachments made by R9 and R10 on the Eastern side of a public road which runs through R.S.No.1 of Elumathur 'A' Village, R.S.No.254 of Poonduraisemur Village and R.S.No.847 of Modakurichi 'B' Village, both in Modakurichi Taluk, Erode District.

2. Mr.T.Karthick Srinath, learned counsel of M/s.K.M.Vijayan Associates (Law Firm) on behalf of writ petitioner submits that the



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construction and maintenance of storm water drain is of paramount importance and that has necessitated filing of the captioned WP.

3. Issue notice to official respondents.

4. Mr.V.Ravi, learned Special Government Pleader accepts notice for R1 to R5. Mr.C.Selvaraj, learned Additional Government Pleader accepts notice for R6. Mr.T.K.Saravanan, learned Government Advocate accepts notice for R7 and R8.

5. Mr.C.Selvaraj, learned Additional Government Pleader for R6, Mr.V.Ravi, learned Special Government Pleader for R1 to R5 and Mr.T.K.Saravanan, learned Government Advocate for R7 and R8 submit that survey is underway and subject to the outcome of the survey / survey report, encroachments (if any) will be removed in accordance with law, after show causing all concerned in accordance with applicable Statute/s. It is made clear that it is open to official respondents to show cause writ petitioner also if there is a need to do so.

6. As learned State Counsel submits that survey is underway, the process of commencing and concluding removal of encroachments (if any) subject to survey / survey report will be concluded in twelve weeks from



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today i.e., by 28.03.2025. This submission is recorded.

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7. In the light of the limited scope of the captioned WP, main WP is taken up in the Admission Board with the consent of learned counsel on both sides preserving all rights and contentions of private respondents (R9 and R10) if they are show caused.

8. Captioned WP is disposed of recording the stated position of learned State Counsel leaving open all rights and contentions of R9, R10, writ petitioner and all other parties concerned, if they are show caused qua removal of encroachment/s proceedings subject to survey report.

Ergo, the sequitur is captioned WP is disposed of in the aforesaid manner. There shall be no order as to costs.

(M.S.,J.)

(K.R.S.,J.)

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Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order

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