



W.P.No. 43292 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2025

CORAM

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.No.43292 of 2025

Chinnathayee

.... Petitioner

Vs

- 1.The District Collector
Salem Collectorate
Salem – 636 001.
- 2.The Revenue Divisional Officer
Salem Collectorate
Salem – 636 001.
- 3.The Thasildar
Thasildar Office
Omalur, Salem – 636 401.
- 4.The Village Administrative Officer
Arurupatti Village
Omalur Taluk, Salem – 636 502.
- 5.Pachiyammal

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying to direct the respondents 2 and 3 to consider the petitioner's representation dated 17.10.2025 and consequently restrain the 2nd and 3rd respondents from carrying out any survey in respect of the petitioner's land,



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till the civil suit is disposed of within a time frame as may be fixed by this Court.

For Petitioner : Ms.U.Gowri Shankar

For Respondents : Mr.C.Jayaprakash
Government Advocate for R1 to R4

Ms.G.Ambika for R5

ORDER

This writ petition has been filed for issue of Writ of Mandamus forbearing the 2nd and 3rd respondents from carrying out any survey in the subject property by considering the representation made by the petitioner on 17.10.2025.

2. When the matter came up on 13.11.2025, this Court recorded the fact that the fifth respondent is also represented through a counsel and hence, directed the writ petition to be listed under the caption 'for orders' today.

3. Heard Mr.U.Gowri Shankar, learned counsel appearing for the petitioner and Mr.C.Jayaprakash, learned Government Advocate appearing on behalf of respondents 1 to 4 and Ms.G.Ambika, learned counsel appearing



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for the fifth respondent.

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4. When the matter was taken up for hearing today, the order passed by the Hon'ble First Bench in W.P.No.14175 of 2023 dated 02.01.2024 was placed before this Court. This writ petition was filed by the fifth respondent seeking for removal of encroachments in the common pathway which was categorised as 'Government Poromboke'. The Division Bench disposed of the writ petition, with a direction to conduct survey and if any encroachments are found in the pathway, the same shall be removed by following the due process of law.

5. The learned counsel appearing for the petitioner submitted that, on more than 11 occasions, survey has been carried out and the petitioner is being harassed.

6. Per contra, the learned Government Advocate appearing on behalf of the official respondents namely, respondents 1 to 4 submitted that inspite of the orders passed by the Division Bench, the petitioner is preventing the officials from conducting the survey, on the ground that a suit is pending before a competent Court.



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7. In the considered view of this Court, the Division Bench of this Court has already directed the officials to conduct the survey and to identify if any encroachment has been made in the common pathway which has been categorised as Government Poromboke. This order passed by the Division Bench has to be complied with.

8. In view of the above, there shall be a direction to the third respondent to conduct survey in the subject property as directed by the Division Bench of this Court in W.P.No.14175 of 2023. At the time of survey, no parties will be permitted to prevent the survey or to be present in the property. The Inspector of Police, Tharamangalam Police Station shall provide protection to the third respondent to enable the third respondent to conduct survey. The survey report shall be placed before this Court.

9. This writ petition is disposed of in the above terms. Post this writ petition for reporting compliance on 08.12.2025.

24.11.2025



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Index : Yes / No

Neutral Citation : Yes / No

Speaking Order / Non-speaking orders



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N. ANAND VENKATESH., J

ds

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