



W.P.(MD)No.24123 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.09.2025**

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

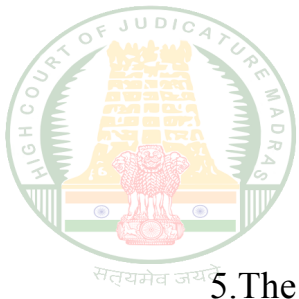
W.P.(MD)No.24123 of 2025

Balakrishnan

... Petitioner

Vs.

- 1.The District Collector,
Trichy District,
Trichy.
- 2.The Tahsildar/Monitoring Committee,
Marungapuri Taluk,
M.Kallupatti,
Trichy District.
- 3.The Superintending Engineer,
Construction and Maintenance of Highways,
Trichy District,
Trichy.
- 4.The Assistant Divisional Engineer,
(Construction and Maintenance),
Highways,
Manapparai Sub-Division,
Trichy District.



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5. The Assistant Engineer,
(Construction and Maintenance),
Highways, Marungapuri Circle,
Marungapuri,
Trichy District.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to conduct resurvey and remove the entire encroachments made in both side of the Kaikatti-Palakurichi Road in Survey Nos.216, 217, 238, 239 and 241 at Valanadu Village, Marungapuri Taluk, Trichy District by considering petitioner's representation dated 20.08.2025 within the time stipulated by by this Court.

For Petitioner : Mr.M.Pitchai Muthu

For Respondents : Mr.J.Ashok
Additional Government Pleader

ORDER

(Order of the Court was made by **DR.ANITA SUMANTH, J.**)

The prayer in the present Writ Petition is for a Mandamus directing the respondents to conduct resurvey and remove the entire encroachments on both sides of Kaikatti-Palakurichi Road in Survey Nos.216, 217, 238, 239 and 241 in Valanadu Village, Marungapuri Taluk, Trichy District.



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2.The petitioner claims to be a resident of the said area.

3.Mr.J.Ashok, learned Additional Government Pleader, who accepts notice for all respondents, draws our attention to an order dated 25.07.2024 in W.P(MD)No.17052 of 2024, filed by one Mr.Siva Alagar, who is also stated to be a resident of the same area, wherein the prayer is near identical. The prayer in that Writ Petition was to direct respondents 1 to 6 therein to remove the encroachments made by the private respondents in S.F.Nos.193 and 293 at Valanadu Village, Marungapuri Taluk, Trichy District.

4.While disposing of the said Writ Petition, the Court has taken note of the position that there were other encroachments as well in the same area and has directed that the entire stretch of the road, being a public road, shall be subject to survey by the respondents and all the encroachments shall be removed, including those specifically identified in the prayer.



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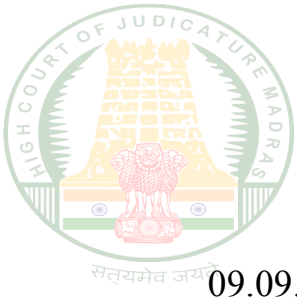
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5.Mr.J.Ashok, learned Additional Government Pleader, submits

that the process of survey has been completed and that various encroachments have been identified, including Survey No.193, which is stated to be encroached upon by the present writ petitioner ie., Mr. Balakrishnan. In conclusion, the Bench, on 25.07.2024, directed as follows:

“that there shall be a direction to the official respondents to conduct survey of the entire stretch of the land, ie., road, where whoever has been in encroachment of the public road or public property, including the private respondents as well as some other third parties and entire encroachments made by all these persons shall be identified and accordingly, after hearing them, the official respondents shall take immediate action to remove such encroachment in accordance with law. Needful as indicated above shall be undertaken by the official respondents within a period of two months from the date of receipt of a copy of this order.”

6.In the written instructions given by R4/the Assistant Divisional Engineer, R4 confirms that the survey numbers identified as encroachments in the present Writ Petition have also been so identified by the authorities and orders have been issued for removal of the same by



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09.09.2025. We are of the categoric view that there is absolutely nothing *bona fide* purpose in filing of the present Writ Petition and we agree with the learned Additional Government Pleader that the intention of the Writ Petitioner is only to delay the process of removal of encroachments.

7.This Writ Petition is hence dismissed, putting the petitioner to costs of a sum of Rs.10,000/- (Rupees Ten Thousand Only) payable to the High Court Legal Services Committee attached to this Bench, within a period of two weeks from today.

[A.S.M.J.] & [C.K.J.,]
04.09.2025

NCC :Yes/No
Index :Yes/No
Internet :Yes
ps



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DR.ANITA SUMANTH, J.
AND
C.KUMARAPPAN, J.

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