



W.P.(MD)No.29877 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.11.2025**

CORAM:

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

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A.Suresh

... Petitioner

/Vs./

1. The District Collector,
Dindigul District,
Dindigul.

2. The Tahsildar,
Dindigul Taluk,
Dindigul District.

3. Shanmugamoorthy

... Respondents

PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents 1 and 2 to remove the encroachments made by the 3rd respondent in the land classified as Pathway in S.No.19 situated in Chatrapatti Village, Dindigul Taluk and District by following due process of law by considering the representation given by the petitioner dated 25.09.2025 within a time period stipulated by this Court.



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For Petitioner : Ms.M.Ashwini
For Respondents : Mr.S.P.Maharajan (R1 & R2)
Special Government Pleader

ORDER

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

The prayer is for a mandamus directing the official respondents to remove the encroachments stated to have been caused by R3 in land classified as pathway in S.No.19, Chatrapatti Village, Dindigul Taluk and District.

2. We had on 24.10.2025, recorded the submissions of Mr.S.P.Maharajan, learned Special Government Pleader to the effect that the process of survey of the subject land was on-going.

3. Today, he files a status report of the Tahsildar, Dindigul District / R2, wherein in paragraphs 5 to 9, he states as follows:-

5. I respectfully submit as per the revenue records, Survey No.19 of Chatrapatti Village stands classified as Government Poramboke - Pathway, having a total extent of 0.48.31 hectares. The original Field Measurement Book (FMB) sketch reveals that the pathway varies in width from approximately 6 metres to 12 metres, and serves as the sole access route for several agricultural



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lands situated in S.Nos.21, 22 and adjoining fields. During the course of the joint survey, the original FMB sketch and the present field measurements were also compared and verified.

6. I respectfully submit that on such comparison, it was observed that the BH 3rd Respondent has encroached upon a portion of the Government pathway on the northern side by planting trees, extending fencing and placing obstructions at different points. At several locations, the width of the pathway, which is required to be between 6 to 12 metres as per revenue records, was found reduced to as low as 2 metres to 4 metres, thereby obstructing free movement of agricultural vehicles, cattle and the general public who are using the pathway. The Taluk Surveyor has recorded that the approximate encroached extent is 0.05.25 Hectares. The said narrowing and obstruction are also evident from the survey sketch prepared on 12.11.2025, wherein the reduced width is clearly demarcated and mentioned. The surveyor has signed and submitted the report on 14.11.2025.

7. I respectfully submit that the writ petitioner had earlier submitted a representation dated 25.09.2025 seeking removal of the said encroachment. The correctness of the petitioner's averments has now been verified on ground and the encroachment alleged by the petitioner stands substantiated by the survey conducted pursuant to the directions of this Hon'ble Court. The presence of the 3rd Respondent during the survey work were duly recorded and his objections were also considered during the field inspection.

8. I respectfully submit that the survey has been completed in full compliance with the directions issued by this Hon'ble Court with the aid of the revenue records. The following documents are enclosed for the kind perusal of this Hon'ble Court:



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- (i) *Copy of the FMB sketch of S.No.19;*
- (ii) *Copy of the survey sketch dated 12.11.2025;*
- (iii) *Field inspection sheet prepared by the Taluk Surveyor;*
- (iv) *Photographs of the encroached portions of the pathway; and the presence of the parties during survey.*
- (v) *Copy of the joint inspection notice and acknowledgement to be produced of parties present.*

9. I respectfully submit that in view of the survey findings, the poramboke lands belongs to local body and this respondent and other related officials proposes to initiate appropriate proceedings under the Tamilnadu Panchayat Act, 1994 (Tamilnadu Act 21 of 1994) Section 131(2) to against the 3rd Respondent for removal of the confirmed encroachment ad by invoking Land Encroachment Act 1905 in the event of non removal of encroachment subject to further orders of this Hon'ble Court. This Respondent undertakes to strictly adhere to the procedures contemplated under the said Act and to comply with any further directions that may be issued by this Hon'ble Court.

4. The survey has been duly completed after issuing notice to the petitioner as well as R3 and photographs are placed on record to this effect.

5. In light of the categoric finding of R2 that there are encroachments in the subject land and that the officials propose to initiate Court proceedings under the provisions of Tamil Nadu Panchayats Act, 1994, no further orders are required except to direct the authorities to



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take appropriate action forthwith.

6. Let the entire exercise be completed within twelve (12) weeks from the date of receipt of a copy of this order.

7. The petitioner is satisfied with this order. No notice is issued to Shanmugamoorthy / R3, in these proceedings, as he has been issued notice even prior to conduct of survey.

8. The writ petition is disposed in light of this order. No costs.

[A.S.M.J.] & [C.K.J.,]
24.11.2025

NCC :Yes/No
Index :Yes/No
Internet :Yes
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To

1. The District Collector,
Dindigul District,
Dindigul.

2. The Tahsildar,
Dindigul Taluk,
Dindigul District.



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

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Dated:
24.11.2025