



WEB COPY

WP No. 35898 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-04-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

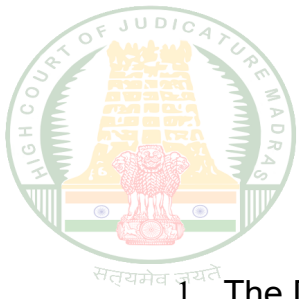
WP No. 35898 of 2025

AND

WMP Nos. 40150 & 40152 of 2025

1. K.Natarajan
S/o. Kandasamy,
Door No. 143 Kumarapalayam Village,
Veppilaipatti Post 636 202
Mangalauram Via, Vazhapadi Taluk,
Salem
2. G. Desingurajan
S/o. Ganapathi,
Door No. 10 Kumarapalayam Village
Veppilaipatti Post 636 202 Mangalauram Via,
Vazhapadi Taluk, Salem
3. K Manikandan
S/o. Krishnan,
Door No. 142 Kumarapalayam Village
Veppilaipatti Post 636 202 Mangalauram Via,
Vazhapadi Taluk, Salem
4. R Subramanian
S/o. Ramasamy,
Door No. 1/49 Vadaku Kadu
Navalpatti Village - 637 408 Rasipuram
Taluk, Namakkal
5. E Selvam
S/o. Elumalai,
Door No. 10 Kumarapalayam Village
Veppilaipatti Post 636 202 Mangalauram Via,
Vazhapadi Taluk, Salem

..Petitioner(s)



Vs

1. The District Collector
O/o. District Collector,
Salem 636 001.
2. Revenue Divisional Officer
O/o. Revenue Divisional Officer,
Vazhapadi, Salem 636 115.
3. The Thasildar
O/o. Thasildar, Vazhapadi, Salem 636 115
4. Block Development Officer
O/o. Block Development Officer, Vazhapadi,
Salem 636 115.
5. Village Administrative Officer
O/o. Village Administrative Officer,
Veppilaipatti Village, Vazhapadi Taluk,
Salem District 636 202.
6. Periyasamy
S/o. Ganesan, Kumarapalayam Village,
Veppilaipatti Post, 636 202 Vazhapadi,
Salem.

..Respondent(s)

To direct the respondents 1 to 5 to take necessary steps to remove the illegal encroachment made by the 6th respondent herein namely Periyasamy S/o. Ganesan in survey No. 16/6B of Kumarapalayam Village Vazhapadi Taluk, Salem district which is classified as pathway in the revenue records and FMB sketch by considering the petitioners representation dated 10.07.2025 and pass.

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For Petitioner(s): Mr.V.R.Appaswamee

For Respondent(s): Mr.T.Arunkumar,
Addl.Govt.Pleader for R1 to R3 & R5
No appearance for R4
Mr.T.Mohan Raju for R6



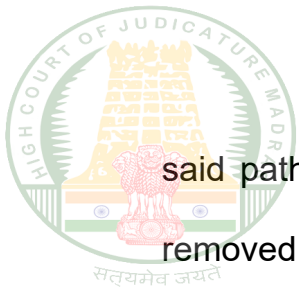
Order

(Order of the Court was made by S.M.Subramaniam J.)

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Writ of Mandamus has been instituted to direct the respondents 1 to 5 to take necessary steps to remove the illegal encroachments made by the 6th respondent namely Periyasamy, S/o. Ganesan, in survey No. 16/6B of Kumarapalayam Village, Vazhapadi Taluk, Salem District, which is classified as pathway in the revenue records and FMB sketch by considering the petitioner's representation dated 10.07.2025.

2. The Status report filed by the Tahsildar, Vazhapadi Taluk, would show that inspection and survey has been conducted. The authorities found that the public residing around this patta land, pathway detailed mark use it as pathway for the past several years to go to nearer Mayanam (Burial Ground) through S.No.16/6B. The land owner Perisamy/6th respondent has put a steel gate in the detailed marked as pathway. Thus, the public in that locality raised objection and made a complaint for removal of encroachments. Revenue Standing Order 26(15) in clear terms stipulate that encroachments of plan marked details and it states that a plan marked channel or pathway running a patta land is a government land. Therefore, the government authorities are competent to invoke the provisions of Land Encroachment Act for removal of encroachments and obstructions in plan marked details as pathway. The power to the authorities are conferred to invoke Act III of 1905 is provided under RSO 26 itself. Thus, the authority competent has to remove the encroachments in the plan marked in respect of *nelavial paathai* and made the



said pathway for public use. Any obstruction made by any person is to be removed by following the procedures as contemplated under the Tamil Nadu

WEB COPY Land Encroachment Act.

3. Learned counsel for the 6th respondent would submit that a Civil Suit has been filed before the Civil Court. However, we are in doubt regarding the maintainability of the civil suit in view of Section 14 of the Tamil Nadu Land Encroachment Act, 1905.

4. In the present case, the enforcement action has already been initiated. Thus, the official respondents shall proceed with the enforcement action by following the procedures and ensure that public pathway is free from any encroachments and put for public usage. The said exercise is directed to be completed within a period of twelve weeks from the date of receipt of a copy of this order. The Writ Petition is disposed of accordingly. No costs. Consequently, W.M.P.No.40152 of 2025 is closed and W.M.P.No.40150 of 2025 is ordered on payment of separate court fees.

(S.M.S.,J.) (K.S.,J.)
28-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

VSI



To

1. The District Collector
O/o. District Collector ., Salem 636 001.
2. Revenue Divisional Officer
O/o. Revenue Divisional Officer, Vazhapadi,
Salem 636 115.
3. The Thasildar
O/o. Thasildar, Vazhapadi, Salem 636 115
4. Block Development Officer
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O/o. Village Administrative Officer,
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6. Periyasamy
S/o. Ganesan, Kumarapalayam Village,
Veppilaipatti Post, 636 202 Vazhapadi,
Salem



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**S.M.SUBRAMANIAM J.
AND
K.SURENDER J.**

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