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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-11-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE R.RAJESH VIVEKANANTHAN

WP No. 38672 of 2026

CNR: {HCMA012191672026}

R.V.Sivasakthi

Case QR

..Petitioner(s)

Vs

1. Government Of Tamil Nadu
   Represented by its Secretary,
   Rural Development and Panchayat Raj
   Department,
   Fort St. George,
   Chennai- 09.

2. The District Collector
   District Collector Office
   Salem District.

3. Tashildar
   Salem Circle,Salem,
   TVS Colony, Asthampatti,
   Salem District.

4. Block Development Officer(V.P)
   Panamarathupatti Panchayat Union,
   Salem and Salem District.

5. Nagarajan

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India issuing writ of mandamus directing the respondents 1-4 to remove the encroachment made by the 5th respondent in survey No.39/1A1A1A1

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as per the government records, these are classified as a government / public road and permit the petitioner and Agriculturalist for the purpose transporting the agricultural produce by means of tractors, bullock carts and various types of vehicles used for agricultural operations to use the 30 feet road passing through the survey no. 39/ 1A from northern side to southern side of the housing plots in survey no. 39/1A situated at no.78, Nilavarapatti village panchayat, Dasnaickenpatti Panchayat, salem district, by Considering the representation dated 31.08.2026 and pass.

For Petitioner(s): Mr.P.Ganesan

For Respondent(s): Mr.A.M. Amutha Ganesh
Government Advocate for R1 to 4

ORDER

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

Writ of mandamus has been instituted seeking removal of encroachment made by the 5th respondent in Survey no. 39/1A as per the Government records.

2. Learned Government Advocate appearing for the respondents 1 to 4 based on written instructions given by the Tahsildar in Na.Ka.No.1633/2026/A6, dated 24.10.2026 would submit that survey had been conducted and encroachments are identified. Consequently, notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 came to be issued to the encroachers. After affording opportunity to the

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encroachers, final notice under Section 6 of the Act will be issued and thereafter, encroachments identified will be removed.

3. In view of the said submission, official respondents are directed to complete enforcement actions and remove encroachments within a period of eight weeks from the date of receipt of a copy of this order by following the procedures as contemplated under the relevant Act and Rules in force.

4. With these directions, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

(S.M.S.,J.) (R.R.V.,J.)
24-11-2026

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

GD

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S.M.SUBRAMANIAM, J.
AND
R.RAJESH VIVEKANANTHAN, J.

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