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W.P.No.38290 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

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Dr.Indra Kumarasamy
W/o.K.Kumarasamy
Rep. by her Power of Attorney
K.Kumarasamy
S/o.Karumana Kounder
No.62, Venkatasamy Salai East
R.S.Puram, Coimbatore-641 002.

Petitioner(s)

Vs

1. The District Collector
Coimbatore District
Coimbatore.
2. The District Revenue Officer
Coimbatore District
Coimbatore.
3. The Revenue Divisional Officer
Pollachi Taluk
Coimbatore District.
4. The Tahsildar
Pollachi Taluk
Coimbatore District.



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5. The Village Administrative Officer
Ramapattinam Village
Pollachi Taluk
Coimbatore District.
6. The Revenue Inspector
Ramapattinam Village
Pollachi Taluk
Coimbatore District.
7. M.Ramakrishnan
S/o.P.Muthusamy,
No.402, Artin Apartment
Cumbar Street, Mahalingapuram
Pollachi Taluk, Coimbatore District.
8. Arun Kumar
S/o.Ramakrishnan,
No.402, Artin Apartment
Cumbar Street, Mahalingapuram
Pollachi Taluk, Coimbatore District.
9. Mohan
S/o.Krishnan
No.402, Artin Apartment
Cumbar Street, Mahalingapuram
Pollachi Taluk, Coimbatore District.

Respondent(s)

Prayer : Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents 1 to 5 to remove the encroachments done by the respondents 7 to 9 and as obstructions to the time immemorial pathway- "Nilaviyal Pathway" upon the property under survey No.47/1A, 46/1B1, 46/3 and 45/3, Ramapathinam Village, Pollachi Taluk, Coimbatore District and to



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ensure that time immemorial pathway is sustained as pathway connecting the petitioner's land under S.No.45/4A2 to Pollachi-Palaghat Main Road and to restore the Nilaviyal Pathway as found in the village Revenue records including the Topo Sketch and FMB Sketch upon the property under S.No.47/1A, 46/1B1 and 45/3 Ramapathinam Village, Pollachi Taluk, Coimbatore District.

For Petitioner(s): Mr. K.R.Laxman
(Through Video Conferencing)

For Respondent(s): Mr. K.Karthik Jagannath
Government Advocate for R1 to R6
Mr. Rishi Nandhan for R7 and R8
R9 - Unclaimed

ORDER

(Order of the Court was made by
the Hon'ble Chief Justice)

This petition has been filed, under Article 226 of the Constitution of India, seeking a direction to respondents 1 to 5 to remove the encroachments made by the respondents 7 to 9 and obstructions to the time immemorial pathway- Nilaviyal Pathway upon the property under survey no.47/1A, 46/1B1, 46/3 and 45/3, Ramapathinam Village, Pollachi Taluk, Coimbatore District.



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2. Learned State counsel has filed the proceedings of the Tahsildar dated 06.06.2025, wherein, the following order has been passed:

After conducting enquiry and after careful consideration the above said enquiry documents, precedents of the Hon'ble High Court, Revenue Standing Order No.26(15), and Tamil Nadu Removal of Encroachment Act 1905 Section 7 and 6, it is ordered as follows:

It is marked in the Village Map and FMB that there is pathway in Pollachi Taluk, Ramapattinam Village to reach Survey No.45/4A2 through Survey No.47/1A, Survey No.46/1B1 and 45/3, wherein, the said pathway runs till Survey No.36.

Therefore, it is ordered that no one should interfere in the enjoyment of the Petitioner in using the Nilaviyal Pathway situated in the Survey Nos.47/1A1, 46/1B1 and 45/3, with her vehicle.

If there is any Civil dispute regarding the Pathway, it should be resolved only by approaching the competent Civil Court, wherein, except the said Civil Forum, wherein, no other law-and-order issue should be created. On a complaint, appropriate action will be taken by registering cases under BNS 2023 against those persons, who are all violates this Order.

Further as per the Revenue and Disaster Management



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Department, Land Acquisition Unit (Ni.Mu.6(2)) Section Government (Standing) No.57 dated 23.01.2020, the iron rod fence erected by the Respondent is considered as encroachment as per the Revenue Standing Order No.26(15), and it is ordered to be removed the encroachment voluntarily. It is informed that, failing which action will be taken under the Tamilnadu Encroachment Act 1905 Section (7).

3. In view of the order already passed and the fact that notice has already been issued to the encroachers and the same is under process, this writ petition is disposed of with direction to fourth respondent Tahsildar to complete the proceedings in accordance with law and remove the encroachers as expeditiously as possible, preferably within eight weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
30.04.2026

Index : Yes/No
Neutral Citation : Yes/No

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