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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-10-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE R.RAJESH VIVEKANANTHAN

WP No. 44634 of 2026
CNR:{HCMA012620062026}
AND
WMP NO. 50116 OF 2026

K.P.N.Maheswar
S/O.Narasimma Reddy
Dharma Kartha/Hereditary Trustee of the
Arulmigu Mariamman Temple
Res.at No.10-11-74, Munusamy Gounder street
Kolathur Mettur Taluk, Salem District

..Petitioners

Vs

1. The District collector
   Salem District, Salem.

2. The Revenue Divisional officer
   Mettur Salem District

3. The Tahsildar
   Mettur Taluk office, Mettur, Salem District

4. The Executive officer
   Kolathur Selection Grade Town Panchayat
   Kolathur, Mettur Taluk, Salem District

5. Jagathampal
   W/o.Late.Govindaraj
   Door No.1/14-5-1 Library street
   Kolathur-636 303, Salem District

..Respondents

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Prayer : Writ Petition under Article 226 of the Constitution of India praying for a Writ of Certiorari to call for the records of the 4th respondent made in Na.Ka.No.320/2026 dated 2.7.2026 and consequential notice dated 26.10.2026.

For Petitioner(s): Mr.L.Chandrakumar

For Respondent(s): K.Surender
Special Government Pleader For R 1-4

M.P.Rajavelayutham R-5

Order

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

Heard learned counsel for the parties.

2. The writ petition has been instituted challenging the notices dated 02.07.2026 and 26.10.2026 asking the petitioner to remove the encroachments in the street. The notice dated 02.07.2026 was issued granting three days time to remove the encroachments and obstructions in the pathway for free usage of road by the people residing in that locality. A lot of encroached shops and obstructions are found in S.No.347/23 (Old S.No.57/1). It is not in dispute that the land is classified as Government Poramboke and the revenue records produced by the petitioner would also show that

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S.No.57/1 is Government Poramboke. In the remarks column, it is stated as temple. However, in the very same S.No.27/1, a portion of the Government Poramboke land is stated as vacant land and there is a street. Therefore, it appears that the subject temple has been constructed in a Government Poramboke land and surrounding Government Poramboke lands are kept as vacant land and streets are also available for public usage.

3. Learned counsel for the 5th respondent would submit that some constructions are also made unauthorisedly in the public land.

4. The executive authority / Town Panchayat issued a notice on 02.07.2026 for removal of encroachments. Since the encroachers have not removed the encroachments, final notice dated 26.10.2026 was issued. Even on earlier occasion, one Smt.Jagadambal / 5th respondent in the present writ petition filed W.P.No.37723 of 2026 and the learned single Judge of this Court passed an order directing the authorities to remove the encroachments in accordance with law within a period of eight weeks. In pursuance of the said direction, the enforcement actions are initiated.

5. The authorities are in the process of conducting an enquiry and the learned counsel for the 5th respondent would submit that the enquiry is

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scheduled to be held today (30.10.2026). The parties are appearing before the authority for enquiry. They are at liberty to place their statements along with the documents, if any. However, it appears that encroachments are identified by the authorities in public streets and in Government Poramboke lands causing obstruction to the road users and the people residing in that locality. It is the duty mandated on the part of the authorities to provide streets / roads free from encroachment to the citizens. Removal of encroachment is a duty mandated since it is causing obstruction and would result in accidents.

6. Therefore, this Court is of the considered view that the notice issued cannot be said to be infirm. Two notices have already been issued for removal of encroachments. Enquiry also is scheduled to be conducted on 30.10.2026. Thus, the official respondents are directed to complete the enquiry and identify all the encroachments in Government Poramboke lands and Government Natham lands which is under public usage and remove the same by following the procedures as contemplated under the relevant Statutes and Rules in force. The entire exercise is directed to be completed within a period of eight weeks from the date of receipt of a copy of this order.

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7. With the above direction, this writ petition stands dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

(S.M.S.,J.) (R.R.V.,J.)
30-10-2026

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

KST

To

1. The District collector
   Salem District, Salem.

2. The Revenue Divisional officer
   Mettur Salem District

3. The Tahsildar
   Mettur Taluk office
   Mettur, Salem District

4. The Executive officer
   Kolathur Selection Grade Town Panchayat
   Kolathur, Mettur Taluk
   Salem District

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