



WEB COPY



W.P.No.48782 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2026

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.48782 of 2025

S.Suryaprakash
S/o.Somasudnaram
No.4/122, Therku Kadu
Periyeri Village, Thalaivasal Taluk
Salem District-636 101.

Petitioner(s)

Vs

1. The District Collector
Salem District
Salem.
2. The Tahsildar
Thalaivasal Taluk
Thalaivasal
Salem District.
3. Rathinakumari,
W/o.Subramani
Kozhipannaikadu
Periyeri Village
Thalaivasal Taluk
Salem District-636 101.



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4. Gunasekaran
S/o.Palanivel
Kozhipannaikadu
Periyeri Village
Thalaivasal Taluk
Salem District-636 101.

Respondent(s)

Prayer : Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents 1 and 2 to remove the encroachment made by the respondents 3 and 4 in cart Track situated in S.No.379/4, Periyeri Village, Thalaivasal taluk, Salem District consequently directing the respondents 1 and 2 to lay the road in S.No.379/4, Periyeri Village, Thalaivasal Taluk, Salem District.

For Petitioner(s): Mr. C.Prakasam

For Respondent(s): Mr. E.Vijay Anand
Addl. Govt. Pleader for R1 & R2
Ms. K.Mumtha
For Mr. R.Thirumoorthy for R3 & R4

ORDER

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

In response to the allegation of encroachment, in the status affidavit filed by official respondents, it is stated that after survey,



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show cause notice was issued, followed by order of removal of encroachment by final eviction notice under Section 6 of the Tamil Nadu Land Encroachment Act, 1905. Therefore, official respondents have acted in accordance with law.

2. Learned counsel for private respondents would submit that according to private respondents, there is no encroachment and the order has been assailed by way of appeal, which is now pending consideration of the District Collector.

3. Learned counsel for petitioner submits that in the circumstances of the case, the appeal itself should be disposed of at the earliest.

4. Considering the aforesaid submission of learned counsel for parties, at this stage, we are of the view that we need not proceed further in the writ petition, because, the matter is pending consideration at the appellate stage.



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5. Without commenting upon the merits of the case, petition is disposed of. There shall be no order as to costs.

(MANINDRA MOHAN SHRIVASTAVA, CJ) (G.ARUL MURUGAN,J)
17.02.2026

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

1. The District Collector
Salem District
Salem.
2. The Tahsildar
Thalaivasal Taluk
Thalaivasal
Salem District.



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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

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