



WEB COPY



W.P.No.40796 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2025

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P.No.40796 of 2025

Kamaraj

Vs.

.. Petitioner

1. The District Collector
Ariyalur District, Ariyalur.
2. The Revenue Divisional Officer
Udayarpalayam, Ariyalur District.
3. The Tahsildar
Udayarpalayam Taluk, Jayankodam
Ariyalur District.

4. Jayaraman
5. Murugesan

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, seeking a writ of mandamus, directing the respondents 1 to 3 to consider the representation of the petitioner dated 27.01.2025, thereby, to remove the encroachment made by respondents 4 and 5 over the lands in S.No.378/20 (Common Pathway) and S.No.378/19 and 378/22 (Government Lands) of Cholanmadevi, Ariyalur District.

For the Petitioner : Mr.M.Vijay

For the Respondents : Mr.R.P.Murugan Raja
Government Advocate
for R1 to R3



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ORDER

WEB COPY (Order of the Court was made by R.SURESH KUMAR, J.)

Prayer sought herein is for a writ of mandamus, directing the respondents 1 to 3 to consider the representation of the petitioner dated 27.01.2025, thereby, to remove the encroachment made by respondents 4 and 5 over the lands in S.No.378/20 (Common Pathway) and S.No.378/19 and 378/22 (Government Lands) of Cholanmadevi, Ariyalur District.

2. In respect of the Village Natham Poromboke land in S.No.378/20 at Cholanmadevi, Ariyalur District, the private respondents have allegedly encroached upon a portion of the said land, which has been used as a pathway by the local residents including the present petitioner. In order to remove such encroachment, the petitioner has given a representation on 27.01.2025 and the same since has not been considered, he has approached this Court by filing the present writ petition.

3. Heard *Mr.M.Vijay*, learned counsel for the petitioner and *Mr.R.P.Murugan Raja*, learned Government Advocate for respondents 1 to 3. In view of the order that is going to be passed in this writ petition, notice to respondents 4 and 5 is hereby



dispensed with.

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4. The learned Government Advocate has produced written instructions from the third respondent Tahsildar dated 26.11.2025, which, *inter alia*, states as follows:-

“मनुतारां वातुरायिलं कुறிप्पिட்டுள்ள अरियलुार्
मावट्टमं उडायार्पणायमं वट्टमं, सोममातेवि
किराम पुल एण 378/20 किराम कणक्किल अरक
नत्तमं पुறम्पोक्कु पाते एन्ற वकैपाट्टिल्
உள்ளது. 378/19 மற்றும் 378/22 ஆகிய पुल எண்கள்
அரக புறம்போக்கு காலி நத்தம் என்ற வகைபாட்டில்
உள்ளது. மேற்படி पुल எண்கள் 378/19 மற்றும் 378/22
காலி நத்தம் இடமானது தகுதியின் அடிப்படையில்
மனைப்பட்டா வழங்கக்கூடிய இடமாகும். 378/20 நத்தம்
புறம்போக்கு என வகைப்படுத்தப்பட்டு குறிப்பு கலத்தில்
பாதையாகவும், பூஸ்தியிலும் பாதையாக
பயன்படுத்தப்பட்டு வருகிறது. எனினும்
மனுதாரரை இவ்வழக்கின் பிரதிவாதிகளான 4 மற்றும்
5ஆம் நபர்கள் பாதையாக உள்ள மேற்படி पुल எண் 378/
20 வழியினை பயன்படுத்தித் தடுத்து வருவது
விசாரணையில் தெரியவருகிறது. மேற்படி விசாரணையின்
அடிப்படையில் உரிய வழிமுறைகளை பின்பற்றி पुल எண்
378/20ல் உள்ள ஆக்கிரமிப்பின் மீது நடவடிக்கை
மேற்கொள்ளப்படும் என்பதை பணிவுடன் தெரிவித்துக்
கொள்கிறேன்.”

Relying upon this instructions, the learned Government Advocate would submit that, since there has been some encroachment on the part of respondents 4 and 5 on the public pathway in the Government Natham Poromboke land in S.No.378/20, the same would be removed in accordance with law. This is the stand taken by the third respondent Tahsildar, he contended.



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5. In view of the said stand taken by the learned Government Advocate appearing for respondents 1 to 3 and having regard to the said written instructions given by the concerned Tahsildar, as extracted hereinabove, this Court is inclined to dispose of this writ petition with the following orders:-

(i) That there shall be a direction to the third respondent to initiate action to remove such encroachment, as admitted in the letter dated 26.11.2025, extracted hereinabove, by giving notice to both the petitioner as well as the private respondents and take such action under the provisions of the Tamil Nadu Land Encroachment Act, 1905, within a period of two months from the date of receipt of a copy of this order.

6. With these directions, the writ petition is disposed of. However, there shall be no order as to costs.

(R.S.K., J.) (H.C., J.)
26.11.2025

Speaking Order/Non-Speaking Order
Neutral Citation:Yes/No
Internet:Yes/No
Index:Yes/No



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To:

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R. SURESH KUMAR, J.
AND
HEMANT CHANDANGOUDAR, J.

(drm)

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