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WP No. 4726 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-02-2026

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.No. 4726 of 2026

Padmavathy

..Petitioner(s)

Vs

1. The District Collector,
O/o. the District Collector,
Erode Post and District
2. The Block Development Officer,
O/o. the Block Development Officer,
Panchayath Union Office,
Gobichettipalaym Taluk,
Erode District.
3. The Special Officer,
Polavakalipalayam Panchayath Office,
Polavakalipalaym Village,
Gobichettipalaym Taluk,
Erode District.
4. The Inspector of Police,
Gobichettipalaym Police Station,
Gobichettipalaym Post, Erode District.

.. Respondents



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Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents Nos.1 to 3 to consider the representation dated 12.12.2025 relating to seeking permission for demolition of construction situated in the land in New Survey No.385/1A, Polavakalipalayam Village, Gobichettipalayam Taluk, Erode District, as per the Tamil Nadu Combined Development and Building Rules and the Tamil Nadu Panchayats Building Rules.

For Petitioner(s): M/s.D.Veerasekharan

For Respondent(s): Mr.N.Naveen Kumar, Govt. Advocate for R1
Mr.Tippu Sulthan, Govt, Advocate for RR-2 & 3
Mr.Meganathan,
Govt. Advocate (Crl. Side) for R.4

ORDER

The petitioner seeks a direction to the respondents 1 to 3 to consider her representation dated 12.12.2025. The representation seeks permission for demolition of construction situated in the land in New Survey No.385/1A, Polavakalipalayam Village, Gobichettipalayam Taluk, Erode District, as per the Tamil Nadu Combined Development and Building Rules and the Tamil Nadu Panchayats Building Rules.

2. The petitioner states that her predecessor-in-title had purchased the property from one Kaliyanna Gounder. It was by way of a registered sale deed dated 07.04.2011 bearing Document No.121 of 2011. The petitioner purchased



the property from her vendor, one Velusamy for a valid consideration on 08.01.2020. This sale was registered in Document No.49 of 2020 on the file of the Joint Sub-Registrar No.2, Gobichettipalayam.

3. The petitioner alleges that taking advantage of the Pandemic, certain unknown persons have removed the boundary stones on her property. She sought survey of the land. The Revenue Department did not take any steps. Hence, she filed W.P.No.20907 of 2024. It was disposed of on 25.07.2024 observing as follows:

"4. the 2nd respondent is directed to consider and pass appropriate orders on the petitioner's representation dated 19.07.2024 submitted through online, to survey the subject property and demarcate its boundaries, after giving notice to the neighbouring land owners and any other interested persons, within a period of two months from the date of receipt of a copy of this order."

Subsequent to this order, the Tahsildar, Gobichettipalayam intimated through letters dated 10.09.2024 and 11.10.2024 that the application for survey was already rejected on 24.05.2024.

4. The cause of action for filing the present Writ Petition is that a small compound wall has been constructed to an extent of 3 feet in height in her property, by her vendor Velusamy. This construction has been made without getting permission from the Village Panchayat or from the appropriate authority



under the Tamil Nadu Combined Development and Building Rules.

Consequently, she gave a representation on 12.12.2025 to remove the superstructure before the fourth respondent-Police, and as the same has not been considered, she is before this Court.

5. Considering the averments made in the affidavit filed in support of the Writ Petition, I called upon the learned counsel for the respondents to get instructions as to whether the superstructure is on patta land or on a public area.

6. Today, when the matter is called, Mr.Tippu Sulthan, learned Government Advocate appearing for second and third respondents has produced instructions from the Special Officer-cum-Block Development Officer, Gobichettipalayam, which is extracted hereunder:



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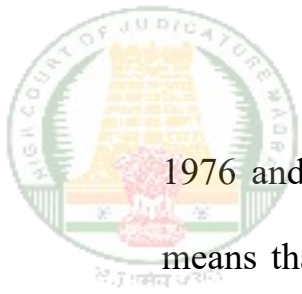
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Ma;tpd;bghGJ nfhapy; xd;W es;sJ/ mjd;J}
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Rw;Wr;Rthpy; 1993 vdt[k; Fwpg;gplg;gl;Ls;sJ/
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tUkh> vd;w tpguj;jpid mWpa .aYk;/ nkYk;
hP/r/vz;/385-1A1 f;Fhpa Mtzk; Tl;Lg;gl;lthf es;sJ/
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vd;gida[k; gzpt[lid; bjhptpj;Jf;bHs;fpnwd;/@

7. On a reading of the above instructions, it is clear that the structure has been constructed on a private land. The structure had been raised in the year



1976 and surrounding compound wall has been raised in the year 1993. This means that it is a pre-existing construction even at the time the petitioner had purchased the said property.

8. When a construction is made inside a private property with a compound wall which is raised only in the aforesaid property, I am afraid the prayer sought for by the petitioner can be granted. The respondents 1 to 3 do not have power to enter into the private property and direct demolition, especially when the construction has been existing for more than 33 years. This dispute seems to be a private dispute between the petitioner and the said Velusamy. It cannot be resolved by the respondents herein.

9. The remedy for the petitioner is to approach the jurisdictional Civil Court and seek for appropriate reliefs to remove the compound wall and the structures enclosed by it. The respondents 1 to 3 cannot interfere with a structure or the compound wall raised inside a private property, as the same are protected under Article 300-A of the Constitution of India. Reserving the right of the petitioner to move the jurisdictional Civil Court, this Writ Petition is dismissed. There shall be no order as to costs.

17-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

1. The District Collector,

O/o. the District Collector, Erode Post and District

2. The Block Development Officer,

O/o. the Block Development Officer,

Panchayath Union Office,

Gobichettipalaym Taluk, Erode District.

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Gobichettipalaym Post,

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V.LAKSHMINARAYANAN, J

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