



WEB COPY



W.P.No.6815 of 2023
and W.P.No.30315 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

W.P.No.6815 of 2023
and W.P.No.30315 of 2022
and W.M.P. No.29760 of 2022

W.P.No.6815 of 2023:-

Consumer Protection Centre
No.121-B, VRG Complex
Gobichettipalayam – 638 452
Erode District
Rep. by its President
Mr.S.Radhakrishnan

.. Petitioner

-VS-

1. The Collector
Office of the District Collector
Erode District.
2. The Divisional Engineer
Tamil Nadu Road Sector Project-II
District Collector
Tirupur.
3. The Project Director
Tamil Nadu Road Sector Project-II
Greenways Road
Chennai-600034.

Page 1 of 8



W.P.No.6815 of 2023
and W.P.No.30315 of 2022

4. The District Revenue Officer
Gobichettipalayam
Erode District.

5. Almadharasathur Rahmania Masjid
Sunnarth Vazamath
Karattadipalayam
Gobichettipalayam Taluk
Erode District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to take appropriate action by removing the encroachment in Karattadipalayam Survey No.74 (Lakampattu Village) and to widen the road.

For the Petitioner : Mr.V.Karthikeyan

For the Respondents : Mr.P.Muthukumar
State Government Pleader
(For R1 to R4)

Mr.M.Nandakumar (For R5)

W.P.No.30315 of 2022:-

V.M.Palanisamy

.. Petitioner

-VS-

1. The District Collector
O/o. the District Collector
Erode.

2. The Divisional Engineer

Page 2 of 8



W.P.No.6815 of 2023
and W.P.No.30315 of 2022

WEB COPY

O/o. The Divisional Engineer
Highways Department
Gobichettipalayam.

3. The Assistant Divisional Engineer
O/o. The Divisional Engineer
Highways Department
Gobichettipalayam.
4. The Junior Engineer
O/o. The Junior Engineer
Highways Department
Erode.
5. The Revenue Divisional Officer
O/o. The Revenue Divisional Officer
Gobichettipalayam, Erode.
6. The Revenue Officer(Land Acquisition)
O/o. The Revenue Officer(Land Acquisition)
Tamil Nadu Road Development Scheme
Selam.
7. The Divisional Engineer
Tamil Nadu Road Development Scheme-II
No.416, The Office of the District Collector
Tiruppur.
8. A1-Madrasathul Rahmaniya Mosque
Represented by K.J.Syed Moulana
Karattadipalayam
Gobichettipalayam Taluk
Erode District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 7 to remove the encroachment measuring about 25 cents made by eight respondent and their men in S.No.74, Karattadipalayam Village,



W.P.No.6815 of 2023
and W.P.No.30315 of 2022

Gobichettipalayam Taluk, in the highways land based on petitioner representation dated 04.05.2022.

For the Petitioner : Mr.Naveen Kumar Murthi
For V.P.K.Gowtham

For the Respondents : Mr.P.Muthukumar
State Government Pleader
Assisted by
Mrs.R.Anitha, SGP
(For R1 to R7)

Mr.M.Nandakumar (For R8)

COMMON ORDER

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

We have heard Mr.V.Karthikeyan learned counsel for the petitioner in W.P.No.6815 of 2023 and Mr.Naveen Kumar Murthi, learned counsel for the petitioner in W.P.No.30315 of 2022; Mr.P.Muthukumar, learned State Government Pleader for respondents 1 to 4 in W.P.No.6815 of 2023 and for respondents 1 to 7 in W.P.No.30315 of 2022; and Mr.M.Nandakumar, learned counsel for respondent no.5 in W.P.No.6815 of 2023 and respondent no.8 in W.P.No.30315 of 2022.

2. The question is about the burial ground.

Page 4 of 8



W.P.No.6815 of 2023
and W.P.No.30315 of 2022

3. According to the petitioners, the subject writ land is used as burial ground by the fifth respondent in W.P.No.6815 of 2023 (eighth respondent in W.P.No.30315 of 2022) without any license or permission.

4. According to learned counsel for the fifth respondent in W.P.No.6815 of 2023 (eighth respondent in W.P.No.30315 of 2022), the burial ground is in existence since time immemorial. The compensation is received in respect of the compound wall by the Mosque and Mosque has also agreed to give 3 meters width of the land for extension of the highway. It is further submitted that the alternate land suggested is not suitable for usage as a burial ground.

5. In the present writ petitions, we are not going to decide the aforesaid issue. It is for the Government to take action in accordance with law with regard to the land in question. The Government may follow the procedure contemplated law and take further action with regard to the property, including the burial ground or otherwise.



W.P.No.6815 of 2023
and W.P.No.30315 of 2022

6. Accordingly, the writ petitions are disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

(S.V.G., CJ.)

(P.D.A., J.)

13.09.2023

Index : yes/no

Neutral Citation : Yes/No

Maya

To:

1. The Collector
Office of the District Collector
Erode District.
2. The Divisional Engineer
Tamil Nadu Road Sector Project-II
District Collector, Tirupur.
3. The Project Director
Tamil Nadu Road Sector Project-II
Greenways Road, Chennai-600034.
4. The District Revenue Officer
Gobichettipalayam, Erode District.
5. The Divisional Engineer
O/o. The Divisional Engineer
Highways Department
Gobichettipalayam.
6. The Assistant Divisional Engineer
O/o. The Divisional Engineer
Highways Department
Gobichettipalayam.

Page 6 of 8



W.P.No.6815 of 2023
and W.P.No.30315 of 2022

7. The Junior Engineer
O/o. The Junior Engineer
Highways Department
Erode.
8. The Revenue Divisional Officer
O/o. The Revenue Divisional Officer
Gobichettipalayam, Erode.
9. The Revenue Officer(Land Acquisition)
O/o. The Revenue Officer(Land Acquisition)
Tamil Nadu Road Development Scheme
Selam.
- 10.The Divisional Engineer
Tamil Nadu Road Development Scheme-II
No.416, The Office of the District Collector
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11. A1-Madrasathul Rahmaniya Mosque
Represented by K.J.Syed Moulana
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W.P.No.6815 of 2023
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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESSAVALU, J.

(Maya)

W.P.No.6815 of 2023
and
W.P.No.30315 of 2022

13.09.2023