



W.P. No. 552 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2023

CORAM

THE HON'BLE MR.JUSTICE S. VAIDYANATHAN

AND

THE HON'BLE MR. JUSTICE K. RAJASEKAR

W.P. No. 552 of 2020

Erode Makkal Nalam Naduvor Sangam,
rep. by its President Mr.S. Deepak Raja,
361, Perundurai Road,
Erode -11.

..Petitioner

Vs.

1. The District Collector,
Erode District,
Erode – 638 011.
2. The Commissioner,
Erode Corporation,
Erode -1.
3. The Superintendent of Police,
Erode -1.
4. Member Secretary,
Erode Local Planning Authority,
Town and Country Planning,



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Surampatti Nall Road,
Erode -9.

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5. CSI Coimbatore Diocese,
rep.by Finance and Property
Administrator,
No.256, Race Course,
Coimbatore – 641 018.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing respondents 1 to 4 to consider and dispose of the representation of the petitioner dated 08.03.2019 and consequently direct the 1st respondent to recover the Government Land from the 5th respondent.

For Petitioner :: Mr.K.S. Jeyaganeshan

For Respondents :: Mr.A.Selvendran,

Special Government Pleader

for R1 & R3

Mr.M. Rajamathivanan for R2

Mr.D. Suryanarayanan,

Senior Counsel for R4

Mr.V. Chandrasekaran for R5

O R D E R

(Made by *S. Vaidyanathan,J.*)



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The writ petition is filed for issue of a Writ of Mandamus directing respondents 1 to 4 to consider and dispose of the representation of the petitioner dated 08.03.2019 and consequently direct the 1st respondent to recover the Government Land from the 5th respondent.

2. The facts of the case are:

(i) According to the petitioner, the 5th respondent claims that a portion of the property, which is said to have been encroached by them, was purchased in public auction by one Rev.H.A. Popley and the 5th respondent claims the same through a sale certificate dated 19.01.1906 and title deed dated 19.01.1906 said to have been executed by the Collector, Coimbatore. However, according to the petitioner, the alleged sale certificate and title deed documents are not genuine and they are fabricated. Further, according to the petitioner, the lands bearing Survey Nos. 584 & 585, which are adjoining to the disputed lands, were granted to the 5th respondent in the year 1922, as could be seen from the revenue records and using the said grant, the 5th respondent had created false documents to encroach upon the adjoining Government poramboke lands in Survey Nos. 586 and 587. Besides, the 5th respondent has been remitting B Memo charges for



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unauthorised use of Government lands, which would clearly prove that the disputed lands are Government lands. The petitioner would further state that the 5th respondent applied for patta for the encroached land and same was also granted vide proceedings dated 30.06.2010 by the Assistant Settlement Officer. On appeal by the petitioner and others before the Commissioner of Survey and Settlement, the same was reversed after due enquiry by order dated 30.03.2011 and a de novo enquiry was ordered to be conducted by the Special Tahsildar, Erode Unit 1, Town Survey and Settlement, Erode.

(ii) After giving notice to all parties and after conducting a detailed enquiry, the Special Tahsildar, Erode Unit 1, Town Survey and Settlement, Erode came to the conclusion that the disputed lands are Government poramboke lands and directed the revenue authorities to take possession of the same. The appeal preferred by the 5th respondent as against the order dated 10.07.2012 passed by the Special Tahsildar, Erode Unit 1, Town Survey and Settlement, Erode, came to be rejected, which resulted in filing of W.P. No. 13313 of 2017. Moreover, according to the petitioner, the 5th respondent has filed a writ petition in W.P. No. 14705 of 2013 as against public welfare project meant to connect Brough Road and Railway Station



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road, in order to ease traffic congestions in Erode city and had also obtained an order of status quo and the said writ petitions are pending.

(iii) Further, pending the above said writ petitions, the 5th respondent has illegally started demolishing the existing building in the said poramboke lands and has begun a new construction. The representation given by the petitioner to respondents 1 to 4 on 08.03.2019 to take steps to stop constructions in the disputed place is still pending. Hence, the present writ petition.

3. When the matter is taken up for hearing, an order dated 02.12.2022 passed in W.P. Nos. 14705 of 2013 and 13313 of 2017 has been produced before this Court wherein the issue with regard to issuance of patta has already been concluded.

4. In the present writ petition, the petitioner has sought a direction to dispose of the representation dated 08.03.2019. Since the issue has culminated in the order dated 02.12.2022 in W.P. Nos. 14705 of 2013 and 13313 of 2017, we dispose of the present writ petition expecting the respondents in the said two writ petitions to comply with the directions



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given therein. Hence, no further orders are required in this writ petition.

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5. It is stated that writ appeals in W.A. Nos. 813 and 814 of 2023 have been filed by the 5th respondent as against the order dated 02.12.2022 and the same are pending. We make it very clear that if writ appeals are pending as against the order dated 02.12.2022, then the grievance can be resolved depending upon the outcome of the writ appeals. No costs.

(S.V.N.J.) (K.R.S.J.)

nv

13.12.2023

To

1. The District Collector,
Erode District,
Erode – 638 011.
2. The Commissioner,
Erode Corporation, Erode -1.

S. VAIDYANATHAN,J.

AND

K. RAJASEKAR,J.

nv

3. The Superintendent of Police,
Erode -1.
4. Member Secretary,
Erode Local Planning Authority,

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Town and Country Planning,
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