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W.P.No.11140 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2023

CORAM :

THE HON'BLE MR. JUSTICE R. MAHADEVAN

AND

THE HON'BLE MR. JUSTICE MOHAMMED SHAFFIQ

W.P.No.11140 of 2017 &
W.M.P.No.25095 of 2021

1.K.C.Pichaiyappan
2.K.C.Shanmugam

.. Petitioners

Vs.

1.The District Collector, Erode,
Collectorate Erode,
Erode.

2.The Assistant Director of Town Panchayt,
Collectorate Erode,
Erode.

3.The President,
Kodumudi Town Panchayat,
Kodumudi,
Erode District.

4.The Executive Officer,
Kodumudi Town Panchayat,
Kodumudi, Erode District.

5.Dr.T.Krishnakumar
6.V.M.Gunasekaran
7.K.Vijay
8.K.Vadivukarasi

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to



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issue a Writ of Mandamus, directing the respondents to initiate, within a time to be fixed by this court, appropriate action in accordance with the law on the representation of the petitioners dated 10.08.2016.

For petitioners : Mr.T.M.Hariharan
For respondents : Mr.A.Selvendran
Special Government Pleader for R1 to R4
Mr.R.Prabakar for R6 & R8

ORDER

(Order of the Court was made by R. MAHADEVAN, J.)

Heard the learned counsel appearing for all the parties and perused the materials available on record.

2.According to the petitioners, they formed a layout in their property in R.S.No.394/4 in Ward 11, Nathamedu II, Kodumudi, measuring an extent of 85 cents, after having set apart an extent of 15 cents as road for access from the Karur-Erode Highway. The said road measuring 30" in width and 218" in length, is a mud road. The lay out was approved by the competent authority and by proceedings, dated 27.02.2007, the fourth respondent issued no objection certificate, enabling the petitioners to sell the plots. Consequently, the petitioners transferred the property measuring an extent of 6107 sq.ft. to the fifth respondent by sale deed dated 26.04.2007, another extent of 2235 sq.ft. to the sixth respondent by sale deed, dated 07.02.2011 and further extent of 2227 sq.ft.



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to the seventh and eighth respondents by sale deed dated 22.12.2011.

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3.The grievance of the petitioners is that in violation of the conditions stipulated in the sale deeds, the respondents 5 to 8 encroached upon a portion of the common layout, which had been designated for road access and had been given to the fourth respondent by the petitioners, by way of gift. Feeling aggrieved, the petitioners made representation dated 10.08.2016 to the respondent authorities requesting to remove the encroachments made by the respondents 5 to 8. Finding no response on the same, they have preferred this writ petition seeking appropriate direction to the respondent authorities in this regard.

4.Considering the limited nature of the relief sought herein, this court, without going into the merits of the case, directs the respondent authorities to consider the petitioners' representation dated 10.08.2016, and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to all the parties concerned, within a period of eight weeks from the date of receipt of a copy of this order. It is needless to state that if there is any encroachment as alleged by the petitioners, the same shall be removed, after following due process of law.



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5. With the above direction, the writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

[R.M.D,J.] [M.S.Q, J.]
24.01.2023

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Speaking (or) Non-Speaking Order

Internet : Yes.

Index : Yes / No

To

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Erode District.
4. The Executive Officer,
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