



WP No.32101 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2023

CORAM

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No.32101 of 2023
and WMP No.31678 and 31679 of 2023

K.S.Subramaniam

.. Petitioner

-VS-

1. The District Collector,
Erode, Erode District.
2. The Revenue Divisional Officer,
Gobichettipalayam, Erode District.
3. The Tahsildar,
Gobichettipalayam, Erode District.
4. The Revenue Inspector,
Kasipalayam Circle,
Gobichettipalayam Taluk, Erode District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records of the 4th respondent notice dated 28.08.2023 consequently issued by the 3rd respondent in File No.6232/2023/A1 dated 12.09.2023 and quash the same and accordingly direct the 1st respondent to restrain from in any manner disturbing the petitioner of Thadapalli Village from carrying out their traditional profession of weaving in the Natham Poromboke lands situated in Re-Survey No.367/31 extent of 0.33.94 hectares situated at Thadapalli Village, Kasipalayam Post, Gobichettipalayam Taluk, Erode District as 'Pavadi'.



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For the Petitioner : Mrs.Dhakshayini Reddy
Senior Counsel
for Mr.P.Rajavel

For the Respondents : Mrs.R.Anitha
Spl.Government Pleader
* * * * *

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mrs.Dakshayini Reddy, learned senior counsel for the petitioner and Mrs.R.Anitha, learned Special Government Pleader, for the respondents.

2. The petitioner is challenging the notice dated 28.08.2023 issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905.

3. The learned Senior Advocate for the petitioner submits that the land is being used as 'Pavadi' since time immemorial. A small fencing was done to protect the proper use of the land.

4. The learned Special Government Pleader, on instructions



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from the Tahsildar, submits that the respondents have no objection for the use of the land as 'Pavadi' by the petitioner, however, as the petitioner has fenced the land, it causes difficulty and inconvenience to the villagers and that may be removed. It is accepted by the learned Special Government Pleader that in the writ subject land, no pathway exists.

5. The petitioner is entitled to use the subject writ land as 'Pavadi' and the respondents have no objection for the same. The petitioner shall remove the fencing and that will put an end to the dispute and the petitioner may use the subject writ land as 'Pavadi'. The same is also accepted by the respondents.

With this observation, the writ petition is disposed of. There will be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No
Neutral Citation : Yes/No
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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

(sra)

To

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