



W.P.No.31542 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2023

CORAM :

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

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.31542 of 2023

Lathamani

.. Petitioner

VS

- 1.The District Collector,
Collector Office,
Erode-638 011.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Gobichettipalayam,
Erode – 638 452.
- 3.The Tahsildhar,
Taluk Office,
Sathyamangalam,
Erode District-638 402.
- 4.The Assistant Director,
Land Survey and Land Records Department,
Erode Collector Office,
Erode District – 638 011.



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5.The Assistant Engineer,
Water Resources Department,
Irrigation Division, Coimbatore Main Road,
Sathyamangalam – 638 402.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus to call for the records pertaining to proceedings in Petition No.261/2023/S1 dated 13.9.2023 of the third respondent and quash the same and consequently direct the fourth respondent to resurvey the land of the petitioner in S.F.No.226/1D and S.F.No.226/1E based on the revenue documents.

For the Petitioner : Mr.M.Roshan Atiq

For the Respondents : Mr.P.Muthukumar
State Government Pleader

ORDER

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

We have heard Mr.M.Roshan Atiq, learned counsel for the petitioner and Mr.P.Muthukumar, learned State Government Pleader for the respondents.



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2. Learned counsel for the petitioner submits that after filing of the writ petition, the respondents have demolished the part, which according to the respondents, was an encroachment. According to the petitioner, the petitioner has not encroached any part of the property as claimed by the respondents. Learned counsel for the petitioner submits that the field map is erroneous.

3. In case the petitioner is aggrieved by the measurement carried out, the petitioner has a remedy of appeal. Even against the order passed under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, the petitioner has a remedy of appeal under Section 10 of the said Act.

4. The petitioner may avail the remedies available to her and in case in the appeal a different measurement appears, then the petitioner is entitled to further steps in accordance with law.



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5. With these observations, the writ petition stands disposed of. There will be no order as to costs. Consequently, W.M.P.No.31177 of 2023 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

02.11.2023

Index : Yes/No
Neutral Citation : Yes/No
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To

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2.The Revenue Divisional Officer,
Revenue Divisional Office,
Gobichettipalayam, Erode – 638 452.

3.The Tahsildhar,
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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY,J.

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