



W.P.No.10292 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 26.03.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MRS.JUSTICE **K.GOVINDARAJAN THILAKAVADI**

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Ramesh

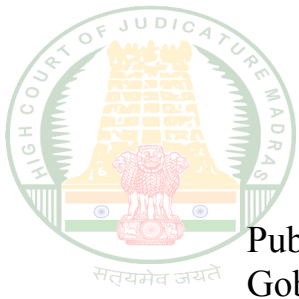
S/o.Thiru.Kaliyappan

... Petitioner

vs.

1. The Commissioner / Director
Directorate of Town and Country Planning
2nd, 3rd and 4th Floor, C & E Market
Koyambedu, Chennai – 600 007
2. The District Collector
O/o.the District Collector
Erode -Post & District
3. The Assistant Director
District Rural Development Department
District Collector Office
Erode – Post & District
4. The Block Development Officer
O/o.the Block Development Officer
Gobichettipalayam Taluk
Erode District
5. The Assistant Engineer

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Public Works Department
Gobichettipalayam Taluk
Erode District

6. The Special Tahsildar
O/o. The Panchayath President
Modachur Village
Gobichettipalayam Taluk
Erode District

7. Somasundaram
S/o.Pattappan

8. Murugesan
S/o.Pattappan

9. Pongianna Gounder
S/o.Ammasai Gounder

10. Thulasimani
D/o.Pongianna Gounder

11. The Tahsildar
Gobichettipalayam Taluk
Erode District

... Respondents

(R11 suo motu impleaded vide this order)

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 5 to take action against the illegal layout formed in Survey No.21/4 and 24/1 of Modachur Village, Gobichettipalayam Taluk, Erode District in the name of Secradi Nagar by blocking the approach road and water source i.e., Lower Bhavani Koppu Water channel to the petitioner's agricultural land in Survey No.21/3, Modachur Village, Gobichettipalayam Taluk, Erode District by considering the representation dated 23.03.2024 and 12.08.2024.

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For Petitioners : Mr.D.Veerasekharan

For Respondents : Mr.T.K.Saravanan
Additional Government Pleader
for R1 to R3, R5 & R11

Mr.K.Tippu Sulthan
Government Advocate for R4 and R6

ORDER

[Order of the Court was made by **M.SUNDAR, J.,**]

Captioned 'Writ Petition' ['WP' for the sake of brevity] has been filed with a prayer for issue of writ of mandamus qua official respondents i.e., seeking a direction to official respondents to remove alleged encroachments in approach road and water source in lower Bhavani Koppu Water Channel.

2. Petitioner's 'agricultural lands in S.No.21/3, Modachur Village, Gobichettipalayam Taluk, Erode District' [hereinafter 'petitioner's agricultural land' for the sake of convenience] is being deprived of irrigation is learned counsel Mr.D.Veerasekharan's say.

3. Issue notice to official respondents.

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4. Mr.T.K.Saravanan, learned Additional Government Pleader accepts notice for R1 to R6.

5. Learned State counsel Mr.T.K.Saravanan, submits, on instructions, that a joint survey will be conducted within four weeks from today i.e., on or before 23.04.2025 and if encroachments are found suitable action under appropriate / applicable Statute will be initiated against private respondents and / or other encroachers, if any.

6. If there are encroachments, action against private respondents and/or other encroachers necessarily means that the private respondents would be show-caused. This Court makes it clear that all rights and contentions of private respondents are preserved if they are show-caused. Therefore, this Court does not touch upon the rights of private respondents.

7. In this view of the matter, main WP is taken up with the consent of learned counsel for writ petitioner and learned State counsel.

8. As survey has to be conducted, we deem it appropriate to implead Tahsildar, Gobichettipalayam Taluk, Erode District as R11 and Mr.T.K.Saravanan, learned State counsel accepts notice for R11 also.

9. The following order is made:

i) R11 shall conduct a joint survey of approach road and water



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source in Bhavani Koppu Water Channel after putting on notice writ petitioner as well as private respondents (R7 to R10);

ii) R11 shall draw up a survey report;

iii) If any encroachment is noticed in the survey report, suitable action under applicable/appropriate Statute shall be initiated against the private respondents (R7 to R10) and / or other encroachers, if any. To be noted, suitable action under appropriate / applicable Statute necessarily means that the private respondents and/or alleged encroachers will be show-caused and given an opportunity. Action under appropriate/applicable Statute will be commenced within four weeks therefrom i.e., on or before 21.05.2025;

iv) As already alluded to supra, all the rights and contentions of the private respondents are preserved, if they are show-caused;

Captioned WP disposed of in the aforesaid manner. There shall be no order as to costs.

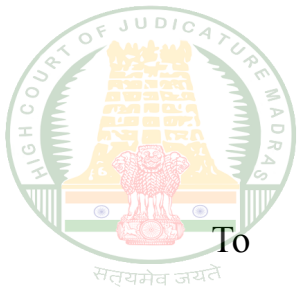
(M.S.,J.)

(K.G.T.,J.)

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Neutral Citation : Yes/No
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To

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**M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,**

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