



WEB COPY



W.P.No.13845 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2025

CORAM

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

and

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

W.P.No.13845 of 2025

Jegadeesan

... Petitioner

vs.

- 1.The District Collector,
District Collectorate,
Erode, Erode District.
- 2.The Tahsildhar,
Erode Taluk, Erode District.
- 3.Palanisamy,
Proprietor,
Green City Builders,
1, Shanmugavalli Nagar,
Indira Gandhi Street,
Pazhayapalayam,
Erode – 638 011
Erode District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to remove the encroachments in Survey No.12/1, Old Survey No.35, with an extent of 0.60.5 hectares of Muthampalayam Village, Erode Taluk, Erode District.

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For Petitioner : Mr.J.Titus Knock

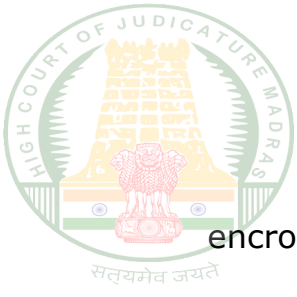
For Respondents : Mr.M.S.Arasakumar,
Government Advocate for R1 and R2

ORDER

[Order of the Court was made by **K.GOVINDARAJAN THILAKAVADI, J.,**]

Captioned writ petition is filed with a mandamus prayer directing the respondents to remove the encroachment in 'Survey No.12/1 (Old Survey No.35) to an extent of 0.60.5 hectares at Muthampalayam Village, Erode Taluk, Erode District' (hereinafter 'said land' for the sake of convenience and clarity).

2. The learned counsel for the writ petitioner submits that the said land is classified as 'Karadu' in 'A' Register maintained by the Revenue Department. His further contention is that the third respondent is doing real estate business and for the purpose of increasing the value of the land in Survey No.12/3, the third respondent has encroached upon S.No.12/1 and now attempting to form a road in the said land without any permission from the Government authorities. Hence the petitioner made a representation on 15.02.2025 to the authorities requesting them to remove all



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encroachments in the abovesaid lands. Since no action was taken, the writ petitioner was constrained to move the present writ petition.

3. Issue notice to official respondents.

4. Mr.M.S.Arasakumar, learned Government Advocate accepts notice for official respondents/R1 and R2.

5. Owing to the limited scope of the captioned writ petition, captioned writ petition was taken up in the Admission Board with the consent of learned counsel on both sides.

6. Learned Government Advocate on instructions submits that survey is likely to be conducted on 25.04.2025 and if any encroachment is found, action will be initiated under 'The Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity}.

7. In view of the above stated position by the learned State counsel, the following order is made:

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7.1 Survey of said land shall be conducted in the presence of the writ petitioner as well as third respondent;

7.2 If any encroachment is found in the survey, action can be taken in accordance with law following the procedure as contemplated under The Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905) after putting on notice the third respondent;

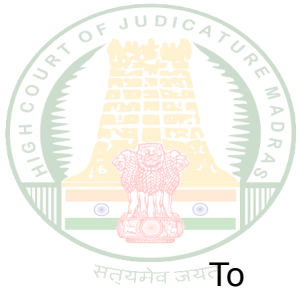
7.3 All the rights and contentions of the third respondent are preserved.

8. Captioned writ petition is disposed of in the abovesaid manner.

There shall be no order as to costs.

(M.S.,J.) (K.G.T.,J.)
22.04.2025

Index : Yes/No
Neutral Citation: Yes/No
mmi



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Erode Taluk, Erode District.



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

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