



W.P No. 13640 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-06-2025

CORAM

THE HON'BLE MR JUSTICE M. SUNDAR

AND

THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

W.P No. 13640 of 2024

C. Manikandan

..Petitioner

Vs

1.The District Collector,
Erode District.

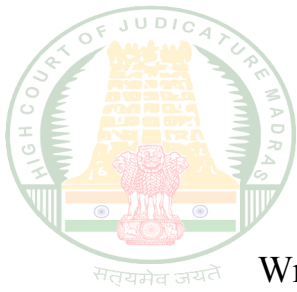
2.The TANGEDCO,
Erode District,
Erode.

3.The Assistant Engineer/
Civil Maintenance Division,
Bhavani Command Gate Power Station -2,
Vendipalayam,
Erode District-638002.

4.The Revenue Regional Officer,
Erode.

5.The Village Administrative Officer,
Sarkar Periya Agraharam,
Erode District.

..Respondents



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Writ petition is filed under Article 226 of Constitution of India, praying for issuance of writ of Certiorarified Mandamus, calling for the entire records pursuant to the eviction notice issued by the 3rd respondent dated 26.04.2024 and quash the same and consequently direct the 1st respondent to issue a patta to the property situated in survey no. 136/2 at right side of Samaya Sangili Bhavani Command Gate Power Station, Sarkar Periya Araharam Village, Erode District and pass such further or other orders.

For Petitioner: Mr. S. Vishnuprasath
For M/s.N.Chinnaraj

For Respondents : Mr. K.Suresh, GA – R1, R4 and R5
Mr.K.Arunprasad, Standing Counsel – R2 & R3

ORDER

(Made by **HEMANT CHANDANGOUDAR, J.**)

The petitioner has challenged the notice dated 26.04.2024 issued by the third respondent, whereby the petitioner has been directed to remove the alleged encroachments said to pertain to land situated in Survey No. 136/2, located at Samaya Sangili Bhavani Command Gate Power Station, Sarkar Periya Araharam Village, Erode District.



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2. Mr. K. Suresh, learned Government Advocate, enters appearance and accepts notice on behalf of respondents R1, R4 and R5. Mr. K. Arunprasad, learned Standing Counsel, appears and accepts notice for respondents R2 and R3.

3. Learned counsel for the petitioner submits that the impugned notice issued by the third respondent is wholly without jurisdiction and has been issued in the absence of any enabling statutory authority.

4. In response, the learned Standing Counsel appearing for respondents R2 and R3 submits that the subject land has already been acquired for the benefit of TANGEDCO, and that the Tahsildar has submitted a report stating that the petitioner has encroached upon the said land. Based on this report, the third respondent has issued the impugned notice, which, according to the respondents, is in conformity with the said report and does not warrant any interference.



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5 . Upon perusal of the records, it is evident that the impugned notice has been issued solely on the basis of the report submitted by the Tahsildar, which alleges that the petitioner has encroached upon land acquired for public purpose, namely, for the benefit of TANGEDCO. However, it is not disputed that the third respondent has not demonstrated or referred to any statutory provision or legal authority that empowers them to issue such a notice directing removal of the alleged encroachments. Furthermore, the Petitioner was not notified prior to the inspection/survey conducted by the Tahasildar, who subsequently submitted a report stating that the Petitioner had encroached on land belonging to TANGEDCO.

6. In the absence of any statutory backing or legal authority empowering the third respondent to issue such a direction, the impugned notice is rendered legally unsustainable. It is a settled principle of law that any administrative action which adversely affects the rights of individuals must be traceable to a source of law. In the instant case, the third respondent, having acted without such legal authority, has exceeded their jurisdiction.



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7. For the foregoing reasons, the impugned notice dated 26.04.2024 issued by the third respondent is hereby quashed, solely on the ground that the third respondent lacked the requisite authority to issue such a notice. The writ petition is ***allowed***. There shall be no order as to costs. However, it is made clear that this order shall not preclude the competent authority from initiating appropriate proceedings, if so advised, in accordance with law.

(M.S.J.,)

(H.C.J.,)

19.06.2025

Index : Yes / No

Internet : Yes/No

Neutral Citation : Yes / No

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To

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Erode District.



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**M.SUNDAR, J.,
and
HEMANT CHANDANGOUDAR, J.,**

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