



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-12-2025

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CORAM

**THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

**WP No. 38713 of 2025
and
WMP No.43298 of 2025**

M. Shanmugam

Petitioner(s)

Vs

1. The District Collector
Erode District, Erode.

2.The Revenue Divisional Officer
Erode District, Erode.

3.The Tahsildar
Erode Taluk, Erode.

4.The Commissioner
Erode Corporation, Erode.

5.A.S. Bakthavatchalam
No.191, Gandhi Salai,
Kollampalayam Bypass, Erode-638
002

6.N. Sundarrajan

7.RAJALAKSHMI



Respondent(s)

WEB

PRAYER:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorari, calling for the records, pertaining to the impugned order dated 30.06.2025, in Na.Ka.5568/2024/A4. on the file of the 2nd respondent and quash the same and consequently direct the respondents 2 to 4 to evict the encroachments made by the respondents 5 to 7 in T.S. No.103, Ward A-Block 26, Erode Town, within the time frame stipulated by this Honble Court.

For Petitioner(s): Mr.P.Siva, For M/s. Rajarajan

For Respondent(s): Mr.T.Arunkumar AGP for R1-3.
Mr.M.Rajamathivanan, Standing
Counsel for R4.

ORDER

(Order of the Court was made by S.M.Subramaniam J.)

An order passed by the Revenue Divisional Officer, Erode, in proceedings dated 30.06.2025, is under challenge in the present writ proceedings.

2.The order impugned itself indicates that an appeal lies before the District Revenue Officer, Erode, and such an appeal is to be filed within a period of 30 days from the date of the RDO's order.

3.Exhaustion of the the appellate remedy is of paramount importance for effective adjudication of the complete facts involved. The High Court



cannot conduct a roving inquiry nor decide disputed facts and issues between the parties. The factual findings of the original authority and the appellate authority would be of greater assistance to the High Court for the purpose of effective exercise of the powers of judicial review under Article 226 of the Constitution of India.

4. Thus, the petitioner has to exhaust the appellate remedy contemplated, and liberty is hereby granted to the petitioner to prefer an appeal before the District Revenue Officer, Erode. In the event of preferring any such appeal, the same may be entertained by excluding the period of limitation, and appeal may be decided on merits and by affording an opportunity to all the parties.

5. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sha

(S.M.SUBRAMANIAM J.)(C.KUMARAPPAN J.)
01-12-2025

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No



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**S.M.SUBRAMANIAM J.
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To

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