



W.P No. 35373 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-10-2025

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P No. 35373 of 2025

Palanisamy Gounder

S/o.Maruthappa Gounder, 14/225, Minnappalayam,
Kulavilakku Village, Erode-638 109.

..Petitioner

Vs

1. The District Collector
Erode, Erode District.

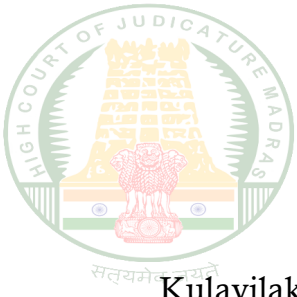
2. The Tahsildhar
Modakurichi Taluk, Erode District

3. Shanmugam
S/o.Chinnappa Gounder, West Minnappalayam,
Kulavilakku Village, Modakurichi Taluk, Erode
District.

4. Palanisamy
S/o.Suppanna Gounder, West Minnappalayam,
Kulavilakku Village, Modakurichi Taluk, Erode
District.

..Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 to 2 to remove the encroachments in the Nilaviyal Cart Track in survey No.501/15 with an extent of 0.07.5 Hec., and Survey No.500/6 with an extent of 0.11.5 Hec in



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Kulavilakku B Village, Modakurichi Taluk, Erode District by considering the petitioners representation dated dated 13.08.2025

For Petitioner : Mr.J.Titus Enock

For Respondents : Ms.M.Jayanthy
Additional Government Pleader
- For R1&R2
R3 and R4 - Notice dispensed with

Order

(Order of the Court was made by R.Suresh Kumar J.)

It is the case of the petitioner that the land at S.No.501/15 measuring an extent of 0.07.5 Hectares and Survey No.500/6 measuring extent of 0.11.5 Hectares in Kulavilakku B Village, Modakurichi Taluk, Erode District has been used by the petitioner and others for long years as cart track.

2. When that being so, the respondents 3 and 4 seems to have encroached upon certain portion of the Nilaviyal Cart Track and in order to remove such encroachment, the petitioner and others have already approached the revenue authorities, who have conducted survey on 08.08.2025 with the help of Firkha Surveyor and they found that the private respondents have encroached the said cart track. Therefore, on 13.08.2025, a representation has been given by the



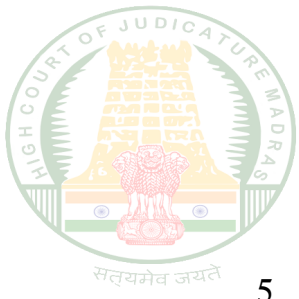
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petitioner to the second respondent Tahsildar to take action to remove such encroachment by the respondents 3 and 4. So far no action had been taken and therefore the present writ petition has been filed.

3. Heard the learned counsel for the petitioner and Ms.M.Jayanthi, learned Additional Government Pleader for the respondents 1 and 2. In view of the order that is going to be passed in this writ petition, notice to the respondents 3 and 4 is dispensed with.

4. Learned Additional Government Pleader would submit that the representation submitted by the petitioner dated 13.08.2025 would be considered and decided on merits and in accordance with law, where, as per the earlier survey conducted by the Firkha Surveyor if any encroachment is noticed on the car track by the respondents 3 and 4, after giving notice to them under the Land Encroachment Act, 1905 necessary action to remove such encroachment would be taken within the time frame as contemplated under the provisions of the said Act.



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5. Recording the said submissions made by the learned Additional Government Pleader, this Court is inclined to dispose of this writ petition in the following terms. The second respondent shall consider the representation dated 13.08.2025 submitted by the petitioner and after giving notice to the petitioner as well as the private respondents, suitable action shall be taken under the provisions of the Land Encroachment Act if there is any encroachment on the cart track by the respondents 3 and 4.

6. With the above direction, this writ petition is disposed of. However, there shall be no order as to costs.

(R.S.K.,J.) (H.C.,J.)
14-10-2025

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

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**R.SURESH KUMAR J.
AND
HEMANT CHANDANGOUDAR J.**

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