



W.P.No.35286 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2025

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

and

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P.No.35286 of 2025 and

W.M.P.No.39498 of 2025

Duraisamy

... Petitioner

-Vs-

1. The District Collector,
Erode, Erode District.

2. The Revenue Divisional Officer,
Gobichettipalayam, Erode.

3. The Tahsildar,
Gobichettipalayam,
Gobichettipalayam Taluk,
Erode District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, to direct the first respondent to dispose of the appeal dated 06.09.2025 filed by the petitioner against the order dated 28.03.2025 on the file of the third respondent and issue direction to consider the



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request of the petitioner for grant of 2C patta for the banana plants standing in the land admeasuring 3.5 cents comprised in S.No.372/3 situated at Alangattupudur Village, Gopichettipalayam Taluk, Erode.

For Petitioner : Mr.D.Nanthagopal

For Respondents : Mr.T.Chezhiyan
Additional Government Pleader

ORDER

(Order of the Court was made by **R.SURESH KUMAR, J.**)

The prayer sought for in this writ petition is for a writ of mandamus directing the first respondent to dispose of the appeal dated 06.09.2025 filed by the petitioner against the order dated 28.03.2025 on the file of the third respondent and issue direction to consider the request of the petitioner for grant of 2C patta for the banana plants standing in the land admeasuring an extent of 3.5 cents comprised in S.No.372/3 situated at Alangattupudur Village, Gopichettipalayam Taluk, Erode.

2. With the consent of learned counsel appearing for both sides, this writ



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petition is disposed of at the admission stage.

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3. Heard Mr.D.Nanthagopal, learned counsel appearing for the petitioner and Mr.T.Chezhiyan, learned Additional Government Pleader appearing for the respondents.

4. In respect of Survey No.372/3 at Pulavakalipalayam, Gobichettipalayam Taluk, Erode District, there had been proceedings under Act III of 1905 by issuing a show cause notice under Section 7 of the said Act followed by an order under Section 6 to evict the petitioner from the encroachment in the said land which has already been classified as Kallanguttu Poramboke land.

5. As against the said Section 6 order, belatedly an appeal has been filed by the petitioner on 06.09.2025 along with a petition to condone the delay in filing the appeal before the first respondent which is pending before the first respondent, therefore in order to seek a direction by way of mandamus to the



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first respondent / District Collector to consider that appeal along with the

condone delay petition and decide the same on merits within a time frame, the petitioner has approached this Court.

6. We have heard Mr.T.Chezhiyan, learned Additional Government Pleader who would submit that, since admittedly the land in question is a Poramboke land that too Kallanguttu Poramboke which had been encroached upon by the petitioner where if he raised any plants, that have to be removed by them and since the order of the third respondent has been appealed before the first respondent / District Collector, the said appeal filed by the petitioner dated 06.09.2025 would be considered and decided by the District Collector and orders would be passed after hearing both sides within a time frame that may be stipulated by this Court, he contended.

7. Having regard to the said submission made by the learned counsel appearing for both sides, this Court is inclined to dispose of this writ appeal with the following orders:

(i) that there shall be a direction to the first respondent



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to consider the appeal filed by the petitioner dated 06.09.2025 including the condone delay petition and pass orders thereon on merits and in accordance with law as early as possible preferably within a period of two months from the date of receipt of a copy of this order.

(ii) Till such time, the standing plants, if any in the land in question shall not be disturbed by the respondents.

8. With these direction, this Writ Petition is disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(R.S.K., J.) (H.C., J.)
16.09.2025
(6/6)

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

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