



W.P.No.35270 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 16.09.2025

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P.No.35270 of 2025
and
W.M.P.No.39483 of 2025

Gunasekar

... 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



W.P.No.35270 of 2025

the two appeals evenly dated 06.09.2025 filed by the petitioner against the orders dated 28.03.2025 and 25.08.2025 on the file of the third respondent and issue direction to consider the request of the petitioner for grant of 2C patta for the six coconut trees standing in the land admeasuring 0.3 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 two appeals evenly dated 06.09.2025 filed by the petitioner against the orders dated 28.03.2025 and 25.08.2025 on the file of the third respondent and issue direction to consider the request of the petitioner for grant of 2C patta for the six coconut trees standing in the land admeasuring an extent of 0.3 cents comprised in S.No.372/3 situated at Alangattupudur Village, Gopichettipalayam Taluk, Erode.



W.P.No.35270 of 2025

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

petition is disposed of at the admission stage.

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 Polavakalipalayam, 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



W.P.No.35270 of 2025

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 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. It is further to be noted that, followed by Section 6 order, an order has also been passed by the third respondent / Tahsildar stating that, in the said land in question, some coconut trees have already been planted and grown at the village of the petitioner, in order to replant the said coconut trees, orders have been passed on 25.08.2025 and that order was challenged by separate appeal filed in this regard by the petitioner before the District Collector on 06.09.2025, in order to consider that appeal also and to pass orders by the District Collector on merits within a time frame, the petitioner has moved the present writ petition.

7. The learned counsel appearing for the petitioner would also canvass the



W.P.No.35270 of 2025

point that, till the appeals are decided one way or other, the standing coconut

trees in the land in question may not be disturbed.

8. 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 plants are coconut trees, the Revenue Department did not want to destroy the same indiscriminately, therefore such notice under the provisions of the Act was issued on 25.08.2025 and the same also since has been appealed before the first respondent / District Collector, the said appeals filed by the petitioner dated 06.09.2025 in respect of both the cases 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.

9. Having regard to the said submission made by the learned counsel



W.P.No.35270 of 2025

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 to consider the appeals 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, especially, the coconut trees in the land in question shall not be disturbed by the respondents.

10. With these directions, 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
(1/6)

NCC : Yes / No



W.P.No.35270 of 2025

Index : Yes / No

Speaking Order : Yes / No

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vji

To

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W.P.No.35270 of 2025

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(1/6)