



W.P.No.36016 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2025

CORAM

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

**W.P.No.36016 of 2025
and
W.M.P.No.40272 of 2025**

1. S.Kandasamy

2. K.Ponnusamy

... Petitioners

-Vs-

1. The Revenue Divisional Officer,
Erode,
Erode District.

2. The Tahsildar,
Modakkurichi Taluk,
Modakkurichi,
Erode District.

3. P.Paramasivam

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, to call for the entire records relating to the impugned order passed by the first respondent in his proceedings Pa.Mu.3702/2025/A2 dated 14.08.2025 and quash the same.



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For Petitioners : Mr.C.Prakasam

For Respondents : Mr.T.Karthik Srinath
for M/s.K.M.Vijayan Associates for R3

ORDER

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

This writ petition has been filed against the order passed by the Revenue Divisional Officer, Erode dated 14.08.2025 whereby the alleged encroachment on the part of the petitioners having been found at the cart track in R.S.Nos.486/1 & 487/20 at No.24, Arachalur Sub Taluk, Modakkurichi Taluk, Velampalayam Village, Erode District was ordered to be removed.

2. It is further stated that, if the petitioners are aggrieved over the said order, they can prefer an appeal before the appellate authority, namely, District Collector concerned within a period of thirty days.

3. Despite the appeal remedy having been indicated in the order impugned itself, the present writ petition since has been filed, we are not



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inclined to entertain this writ petition, therefore on the ground of non-exhausting of an alternative appellate remedy, this writ petition is liable to be dismissed with a liberty to the petitioners to approach the appellate authority by filing appropriate appeal against the impugned order within a period of two weeks from the date of receipt of copy of this order. If such an appeal is filed, the appellate authority, namely, District Collector concerned without insisting upon the thirty days limitation as provided in the impugned order shall entertain the appeal and decide the same on merits and in accordance with law.

4. Before deciding the said appeal, opportunity of being heard shall be given to both the petitioners as well as other parties who are related to the issue including the revenue authorities.

5. It is open to the petitioners to file an interlocutory application to seek for any interim relief in the appeal during the pendency of the appeal.

6. Till such an interim application is disposed of, the respondents shall not act upon by taking any coercive steps to evict the petitioners by way of eviction from the alleged encroachment pursuant to the impugned order.



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7. Accordingly, this Writ Petition is dismissed with the above observations and directions. However, there shall be no order as to costs.

Consequently, connected miscellaneous petition is closed.

(R.S.K., J.)

(H.C., J.)

10.10.2025

(2/2)

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

vji

To

1. The Revenue Divisional Officer,
Erode,
Erode District.

2. The Tahsildar,
Modakkurichi Taluk,
Modakkurichi,
Erode District.



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