

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.10.2025

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

WP No. 37878 of 2025

&

WMP No.42344 of 2025

L.S.Murugesan,
S/o.Late Sengoda Gounder,
No.3, Poosari Chennimalai Street No.1,
Near Surampatti Four Road,
Erode-638 009.

.. Petitioner

v.

1. State of Tamil Nadu
Represented by its Principal Secretary to Government
Rural Development and Panchayat Raj Department,
Fort St. George, Secretariat,
Chennai-600 009.

2. The District Collector,
Collectorate,
Erode District,
Erode-637 011.

3. The Additional Collector (Development)
District Rural Development Agency,
Erode District,
Erode-638 011.

4.The Block Development Officer,
Panchayat Union Office,
Modakurichi Taluk,
Erode District-638 104.

5.The Tahsildar,
Modakurichi Taluk,
Erode District-638 104.

... Respondents

PRAYER: This Writ Petition has been filed under Article 226 of the Constitution of India to issue a writ of Mandamus forbearing the respondents from proceeding with the proposed Paver Block laying and erection of Barbed Wired Fencing in Government Parai Poromboke bearing R.S.No.144/1, Punjai Lakkapuram Village, Modakurichi Taluk, Erode District by considering the representation of petitioner dated 28.08.2025 and in the light of G.O.(Ms.) No.147 issued by Rural Development and Panchayat Raj (SGS,1) Department dated 14.12.2021 issued by the 1st respondent.

For Petitioner : Mr.N.S.Suganthan

For Respondents : Mr.L.S.M.Hasan Fizal, AGP
for R1, R2, R3 & R5

Mr.M.R.Gokulakrishnan, AGP for R4

ORDER

The petitioner is the owner of the property situated in S.No.126/1 at Punjai Lakkapuram Village, Modakurichi Taluk, Erode

District. Abutting his property, the entire extent of S.No.144/2 is 1.63 acres. The access to the petitioner's land is through a cart track which runs over RS Nos.144/1 and 144/2. RS. No.144/1 is a Government Parai Poromboke. The Government decided to fence its properties and protect the same from being encroached upon or used for any illegal purpose. For the said purpose, it invoked the scheme contemplated under the “நமக்கு நாளை திட்டம்”.

2. The grievance of the petitioner is that this act of the Government is completely shutting out his property from having access to the cart track mentioned above. When the matter came up for admission, Mr.M.R.Gokulakrishnan took notice for the fourth respondent. Mr.Hasan Fizal took notice for Respondents 1, 2, 3 and 5.

3. Mr.Gokulakrishnan submitted that the petitioner's access to the cart track has not been blocked in entirety. An extent of 14 feet is set apart as a pathway to enable the petitioner to reach his property. Taking note of the submission, I called upon Mr.Gokulakrishnan to file a

sketch and memo to that effect. Mr.Gokulakrishnan has also filed the same. For the sake of ready reference, the sketch, photographs and memo are scanned and annexed hereunder:





20. பருவம் விவரங்கள் (Contd.)											21
1	2	3	4	5	6	7	8	9	10	11	12
141	1	112-1a	4	...	5-2	4	2 77	1 30-0	0 39	47 கி. நுழைமைக் காயிரம்	மீளாறு.
	2	112-2	4	...	...	...	...	0 30-0	...	...	மாடுக்கால்.
								1 30-0	5 131		
142	1	113	4	...	5-2	4	2 77	0 14-0	0 33	128 கி. பூக்கூறு காயிரம்	தெய்வீகம்
	2	120	4	...	5-2	4	2 77	0 38-0	2 45	150 கி. குத்தாமைக் காயிரம்.	கையாமை.
	3	120	4	...	5-2	4	2 77	0 30-0	2 49	172 செ. பெரியமைக் காயிரம்.	
	4	120	4	...	5-2	4	2 77	0 30-0	2 34	177 செ. பெரியமைக் காயிரம்.	
								2 72-0	7 53		
143	1	119	4	...	5-2	5	2 00	0 25-0	0 21	129 கு. மரவிக்காயிரம்	தெய்வீகம்
	2	119	4	...	5-2	5	2 00	0 44-0	0 38	131 செ. மரவிக்காயிரம்.	கையாமை.
	3	119	4	...	5-2	5	2 03	1 54-0	2 58	153 கு. மரவிக்காயிரம்	
										1 செ. (1), 2 செ. (2), 3 செ. (3) காயிரம்.	
	4	119	4	...	5-2	5	2 00	0 33-0	1 04	162 கு. பெருமை.	மீளாறு.
	5	119	4	...	5-2	5	2 00	0 43-0	0 38	164 செ. தட்டைக் காயிரம்	
										1 செ. (1), 2 செ. (2), 3 செ. (3) காயிரம்.	
								2 35-0	5 07		
144	1	104	4	...	...	...	...	0 75-0	...	...	...
	2	109	4	...	5-2	4	2 77	0 74-0	2 05	205 கு. குருமை (1),	
		110-3	4	...	...	...	...			கு. மரவிக்காயிரம் (2).	
	3	109	4	...	5-2	4	2 77	0 60-0	1 53	208 செ. குருமை (1),	
										கு. கட்டுமை (2).	
	4	109	4	...	...	...	...	0 33-0	...	...	குருமை
								2 30-0	3 38		

* விவரங்கள் பக்கங்கள்

7. பருவம் விவரங்கள்
8. பருவம் விவரங்கள்
9. பருவம் விவரங்கள்

MEMO FILED ON BEHALF OF THE 4TH RESPONDENT

It is humbly submitted as follows:

1. The above Writ Petition has been filed by the Petitioner seeking the following relief:

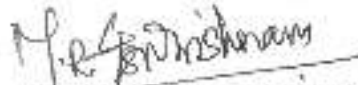
"to issue WRIT OF MANDAMUS forbearing the respondents from proceeding with the proposed Paver Block laying and erection of Barbed Wire fencing in Government Puzi Poramboke bearing R.S. No. 144/1, Puzi Lakkapuram Village, Modakurichi Taluk, Erode District by considering the representation of petitioner dated 28.08.2025 and in the light of G.O (Ms) No.147 issued by Rural Development and Panchayat Raj (SOS.I) Department dated 14.12.2021 issued by the 1st respondent"

2. The proceedings started by the District Collector, Erode dated 08.08.2025 for approval for installing fence, Paver Block and erection of Barbed wire fencing in RS No. 144/1 Puzi Lakkapuram Village, Modakurichi Taluk, Erode District.
3. The fence has already been installed to prevent the illegal activities done in the rocky area in Survey No. 144/1.
4. The said Survey No.144/1 classified as "Karaadu" in the A-Register.

5. The Pathway of 14 feet has been provided to the Petitioner to reach his land. The Petitioner is not prevented by the fence as alleged to reach his land.

It is therefore humbly prayed that this Hon'ble Court may be pleased to record the above mentioned facts and pass such order or orders as this Hon'ble Court may deem fit in the interest of justice.

Dated at Chennai on this the 8th day of October 2025.


COUNSEL FOR 1st RESPONDENT

As the petitioner has been given 14 feet of access, I cannot conclude that the petitioner loses his access in its entirety. Mr.N.S.Suganthan pleads that the petitioner is entitled to 30 feet access. The entitlement of the petitioner to the alleged 30 feet access cannot be decided in this writ petition, as it requires oral and documentary evidence.

3. Recording the memo, sketch and photographs, this writ petition is closed. The Government shall ensure that the 14 feet passage, shown in the memo, is kept free of any encroachment to enable the petitioner to have access to his land. The petitioner is at liberty to approach the jurisdictional Civil Court, in case, he requires any wider access than what has been set apart. Consequently, connected miscellaneous petition is closed. No costs.

08.10.2025

Index : Yes/No

Internet : Yes/No

kal

9/11

To

1. State of Tamil Nadu
Represented by its Principal Secretary to Government
Rural Development and Panchayat Raj Department,
Fort St. George, Secretariat,
Chennai-600 009.

2. The District Collector,
Collectorate,
Erode District,
Erode-637 011.

3. The Additional Collector (Development)
District Rural Development Agency,
Erode District,
Erode-638 011.

4. The Block Development Officer,
Panchayat Union Office,
Modakurichi Taluk,
Erode District-638 104.

5. The Tahsildar,
Modakurichi Taluk,
Erode District-638 104.

V.LAKSHMINARAYANAN, J.

kal

**WP No. 37878 of 2025
&
WMP No.42344 of 2025**

08.10.2025