



WEB COPY



W.P.No.6051 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2025

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and
THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

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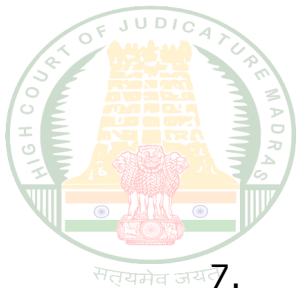
Devarajan

Petitioner

vs.

1. The District Collector
Erode District
Erode 638 001
2. The District Adi Dravidar & Tribal Welfare Officer
Adi Dravidar & Tribal Welfare Department VI Floor
Additional Collectorate Building
Erode 638 001
3. The Revenue Divisional Officer
Erode
Erode District
4. The Special Tahsildar
Adi Dravidar and Tribal Welfare Department
Erode
5. The Tahsildar
Bhavani Taluk Office
Bhavani
Erode 638 301
6. The Executive Officer
Mylambadi Panchayat
Mylambadi Panchayat Office
Mylambadi Post, Bhavani Taluk, Erode

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7. S.P. Eswaran

8. S. Praneesh

9. S. Dhamotharan

10. S. Ashok Kumar

Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents 1 to 6 to remove the illegal encroachment of panchayat road in Survey Nos.875/11 and 876/6 of Maylambadi Village, Bhavani Taluk, Erode District made by the respondents 7 to 10, thereby restoring the panchayat road to its original position.

For petitioner Mr. P. Vetrivel

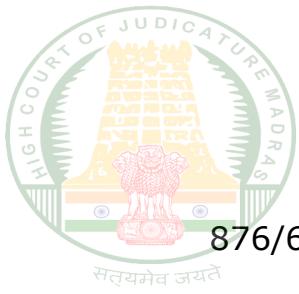
For RR 1 to 5 Mr. T.K. Saravanan
Additional Government Pleader

For R6 Mr. V. Ravi
Special Government Pleader

ORDER

[made by M.SUNDAR, J.,]

Captioned 'writ petition' (hereinafter 'WP' for the sake of brevity) has been filed alleging encroachments in 'Survey Nos.875/11 and



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876/6 of Maylambadi Village, Bhavani Taluk, Erode District'
(hereinafter 'said lands' for the sake of convenience and clarity).

2. Learned counsel for writ petitioner submits that said lands are panchayat road, RR 7 to 10 have encroached upon the same, there is inaction on the part of official respondents and that has necessitated the captioned WP, is his further say.

3. Issue notice to official respondents.

4. Mr. T.K. Saravanan, learned Additional Government Pleader, accepts notice for RR 1 to 5 and Mr. V. Ravi, learned Special Government Pleader, accepts notice for R6.

5. Learned State counsel for RR 1 to 5, on instructions, submits that a survey was conducted on 30.09.2024 *qua* said lands and no encroachment has been found.

6. To the aforesaid submission, learned counsel for writ petitioner drew our attention to communication of R4 (Special



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Tahsildar, Adi Dravidar and Tribal Welfare Department, Erode) dated 20.05.2024 bearing reference Na.Ka.No.191/2023/A and submitted that the survey report is incorrect.

7. We find that aforementioned 20.05.2024 communication of R4 pertains to survey nos.875/16, 876 and 877 whereas said lands, even according to the writ petitioner, are situate in survey nos.875/11 and 876/6. Therefore, we are of the considered view that the communication of R4 dated 20.05.2024 does not come to the aid of the writ petitioner.

8. Be that as it may, writ petitioner has been favoured with a copy of the survey report now by the learned State counsel for RR 1 to 5 *i.e.*, report of survey done on 30.09.2024, alluded to *supra*. All the rights and contentions of writ petitioner are preserved for assailing the survey report, if so advised and if so desired.



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9. Captioned WP stands disposed of with the aforesaid observations and preservation of rights and contentions of writ petitioner. There shall be no order as to costs.

(M.S.,J.) (K.G.T.,J.)
24.02.2025

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



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and

K.GOVINDARAJAN THILAKAVADI, J.

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To

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