



WEB COPY



W.P.No.3033 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.3033 of 2025
and W.M.P.No.3310 of 2025

K.Muthusamy

... Petitioner

Vs.

- 1.The District Collector,
Erode District.
- 2.The Revenue Divisional Officer,
Erode,
Erode District.
- 3.The Tahsildar,
Kodumudi Taluk,
Erode District.
- 4.The Assistant Director,
Town and Country Planning Authority,
Behind Uzhavar Sandhai Compound,
Erode – 638 011.
- 5.The Assistant Director of Town Panchayat,
Office of Assistant Director of Town Panchayat,
Erode Zone,
Erode District Collector Office,
Erode.
- 6.The Executive Officer,
Kodumudi Selection Grade Town Panchayat,



W.P.No.3033 of 2025

Kodumudi Town Panchayat Office,
Kodumudi Taluk,
Erode District.

7.Giridharan

8.Manoharan

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the 6th respondent to conduct inspection of road damaged, obstruction and obliteration done by the respondents 7 & 8 in Roja Nagar North-South Panchayat Road remove the obstruction put up by the respondents 7 & 8 and restore the same by removing fencing, and assess the damages by considering petitioner representation dated 09.10.2024, 25.11.2024.

For Petitioner : Mr.R.Prabakar

For Respondents 1to 5 : Mr.N.Naveen Kumar,
Government Advocate

For Respondent 6 : Mr.P.Ananda Kumar,
Government Advocate

ORDER

The petitioner has filed this petition seeking direction to the 6th respondent to conduct inspection of road damaged, obstruction and obliteration done by the respondents 7 & 8 in Roja Nagar North-South



W.P.No.3033 of 2025

Panchayat Road remove the obstruction put up by the respondents 7 & 8 and restore the same by removing fencing, and assess the damages by considering petitioner representation dated 09.10.2024, 25.11.2024.

2. Since no adverse order is being passed against the respondents 7 and 8, notice to respondents 7 and 8 is dispensed with and this writ petition is taken up for final hearing.

3. The case of the petitioner is that the respondents 7 and 8 are purchasers of the agricultural lands vide sale deed dated 04.10.2023 in Doc.No.1773 of 2023 on the file of the SRO, Kodumudi and are developing the same in unauthorised manner and distorting the true fact as if the land is Tharisu. In the course of doing so, they have shown in their plan, other side of the portion as road and on the contra they have destroyed the Thar Road laid by the Panchayat by heavy vehicles and tipper lorries and obstructed the Panchayat road by laying stones. The respondents 1 to 5 are dealing with the applications filed by the respondents 7 and 8. Since it is fertile agricultural land, there is no classification as Tharisu in that area itself. The description



W.P.No.3033 of 2025

of the property in the sale deed which is reflected in the Encumbrance Certificate is also shown as Agricultural land, however in order to bypass the statutory mandate under section 47-A of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972), the respondents 7 and 8 have suppressed the real facts and shown the land classification as Tharisu land for obtaining technical approval.

3.1. Moreover, while developing the same they have completely damaged, obstructed and laid stones in the Panchayat road within the control of the sixth respondent and completely obstructing the ingress and egress. Aggrieved by the arbitrary high handed, illegal action of the respondents 7 and 8 in damaging the public panchayat Thar road and obstructing the public road, the petitioner had made representations dated 09.10.2024 and 25.11.2024 before the official respondents, however, the same was not considered till date. Hence, the petitioner has come forward with the present writ petition.

4. Though very many grounds have been raised in this writ petition,



W.P.No.3033 of 2025

learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the sixth respondent to consider the petitioner's representations dated 09.10.2024 and 25.11.2024 and pass orders on merits within a particular time frame to be fixed by this Court.

5. Learned Government Advocate appearing for the sixth respondent submitted that the representations of the petitioner dated 09.10.2024 and 25.11.2024 will be considered by the sixth respondent on merits and in accordance with law and appropriate orders will be passed, after conducting due inspection, within a time frame stipulated by this Court.

6. Heard the learned counsel on either side and perused the materials placed on record.

7. Considering the limited prayer sought for by the learned counsel for



W.P.No.3033 of 2025

the petitioner, this Court without going into the merits of the case, directs the sixth respondents to consider the petitioner's representation dated 09.10.2024 and 25.11.2024, after giving due notice to the petitioner as well as respondents 6 & 7, affording an opportunity of personal hearing, conducting inspection and pass appropriate orders on merits, in accordance with law and by following/observing the above principles of natural justice, within a period of eight weeks from the date of receipt of a copy of this order.

8. With the above observation and direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

03.02.2025

vm

Index : Yes/No

Speaking Order : Yes/No



WEB COPY



W.P.No.3033 of 2025

To:

- 1.The District Collector,
Erode District.
- 2.The Revenue Divisional Officer,
Erode,
Erode District.
- 3.The Tahsildar,
Kodumudi Taluk,

Page No.7 of 9



W.P.No.3033 of 2025

Erode District.

4.The Assistant Director,
Town and Country Planning Authority,
Behind Uzhavar Sandhai Compound,
Erode – 638 011.

5.The Assistant Director of Town Panchayat,
Office of Assistant Director of Town Panchayat,
Erode Zone,
Erode District Collector Office,
Erode.

6.The Executive Officer,
Kodumudi Selection Grade Town Panchayat,
Kodumudi Town Panchayat Office,
Kodumudi Taluk,
Erode District.

J.SATHYA NARAYANA PRASAD,J.

vm



WEB COPY



W.P.No.3033 of 2025

W.P.No.3033 of 2025

03.02.2025