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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-03-2026

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THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

WP No. 8578 of 2026

Mathesh Kumar

..Petitioner(s)

Vs

1. The District collector
Erode,
Erode district
2. The Revenue Divisional officer
Gobichettipalayam,
Erode district
3. The Tahsildar
Anthiyur Taluk,
Erode district

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India issuing a writ of certiorarified mandamus calling for the records pertaining to the impugned order dated 08.09.2025 in R.C. 18695/ 2025/ F2 passed by the 1st respondent, quash the same and subsequently issue patta for the property comprised in Survey No. 886 at Anthiyur Village, Bavani Taluk, Erode district in favour of the petitioner.

For Petitioner(s): Mr.P.Hasnah

For Respondent(s): Mr.T.Arun Kumar
Additional Government Pleader

**ORDER****(Order of the Court was made by S.M.Subramaniam J.)**

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Writ of mandamus has been instituted to challenge the order passed by District Collector in Proceedings R.C. 18695/ 2025/ F2, dated 08.09.2025 under Section 10 of the Tamil Nadu Land Encroachment Act, 1905 (hereinafter referred to as the 'Act').

2. Petitioner was in occupation of a land classified as 'Cart Track' in Survey No.886 in Anthiyur Village, Bavani Taluk, Erode District. Revenue authorities, in pursuance to the direction of this Court in W.P.No.27199 of 2025, dated 22.07.2025 conducted a survey and identified that the petitioner has encroached upon the cart track, and consequently initiated enforcement action under the provisions of the Act. Section 7 notice was issued. By affording opportunity to the encroachers, final notice under Section 6 came to be issued. Petitioner filed an appeal under Section 10 of the Act. District Collector independently conducted an elaborate enquiry, and after verifying the revenue records, concluded that subject land is classified as 'Cart Track'. Therefore, District Collector directed the revenue authorities to remove the encroachment and put the cart track for the usage of public.

3. Section 14 of the Act deals with 'Bar of jurisdiction of Courts'. Any enforcement action initiated under the provisions of the Act is not amenable to Civil Courts. However, petitioner, if claims any civil right including title,



ownership or otherwise, he may institute a suit for declaration for appropriate relief. Contrarily, the factual findings made by District Collector based on the revenue records need not be interfered with by this Court in the present writ proceeding.

4. Thus, granting liberty to the petitioner to approach the competent Civil Court, if he is of the opinion that he possesses documents to establish his title or ownership, the present writ petition is dismissed. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

(S.M.S.,J.) (K.S.,J.)
06-03-2026

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

GD

To

1. The District collector
Erode ,
Erode district
2. The Revenue Divisional officer
Gobichettipalayam,
Erode district
3. The Tahsildar
Anthiyur Taluk,
Erode district



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**S.M.SUBRAMANIAM, J.
AND
K.SURENDER, J.**

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