



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-02-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

WP No. 21887 of 2021

and

WMP No. 23086 & 23087 of 2021

1. S.Krishnamurthy
S/o. N. Sengodagounder, Avaragattuvalasu,
Pallapalayam Post, Perundurai Taluk, Erode
District.
2. D. S. Subramaniam
S/o. N. Sengodagounder, Avaragattuvalasu,
Pallapalayam Post, Perundurai Taluk, Erode
District.

..Petitioner(s)

Vs

1. The President of Functioning Committee /
District Collector, Collector Office, Erode
District.
2. The Assistant Director
Personal Assistant to District Collector,
Department of Land Survey Records, District
Land Survey Officer, Erode District.
3. The Revenue Divisional Officer
Erode District.
4. The District Land Survey Officer
Erode District.
5. The Revenue Tahsildar
Perundurai, Erode District.
6. The Executive Engineer
Public Works Department, Water Sources
Organisation, Kaligarayanpalayam, Erode
District.
7. C. Muthusamy
S/o. Sennimalai gounder, Manakattu Thottam,
Chettipalayam, Erode District.



..Respondent(s)

To call for the entire records in Na. Ka. No. 4714 / 2021 / A9 (Ne. A) dated 23.09.2021 on the file of the 2nd respondent and quash the same

For Petitioner(s): Mr.R.Nalliyappan

For Respondent(s):Mr. Mr.T.Arunkumar,AGP for R1 to R6
Mr.R.P.Rubanchakravarthy
for.S.Kaithamalai Kumaran for R7

Order
(Order of the Court was made by C.Kumarappan J.)

The present writ petition has been filed assailing the order of the Assistant Director/P.A. to the District Collector dated 23.09.2021 addressed to the Revenue Tahsildar, Perunthurai, in and by which, the 2ndrespondent informed to the 5th respondent to take over 29 coconut trees and one teakwood trees which is situated in S.No.555/1 in Government account since the land comes within the classification of canal promboke. Aggrieved by the said order, the present writ petition has been filed.

2. Learned counsel for the petitioners would vehemently contend that there is a canal existing adjacent to the petitioners' land and the canal width is only 4 meters whereas while surveying the canal in pursuance of the order passed in W.P.No.8668 of 2021, a larger width was given, thereby, the respondents arrived at a conclusion that those trees come within the canal promboke, however, those trees are situate within their patta land. Therefore, the above order is to be interfered with.



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3. In support of the above contention, the learned counsel for the petitioners would rely upon the proceedings of the District Revenue Officer, Erode, dated 20.09.2019.

4. Per contra, the said contention was stoutly opposed by the learned Additional Government Pleader stating that they have measured the width of the canal only after giving due notice to either parties and based on the revenue records. It is the further submission of the learned Additional Government Pleader that the impugned proceedings dated 23.09.2021 is an inter departmental communication which cannot give any cause of action for the petitioners to prefer a writ petition. He would further submit that any disputed fact cannot be adjudicated in writ proceedings. Hence, he prayed to dismiss the writ petition.

5. We have given our anxious consideration to the submissions made on either side.

6. The main point raised by the petitioners is in respect of the width of the canal. According to the petitioners, the width is 4 meters, whereas, while surveying, the respondent had given a larger width.



7. As rightly contended by the learned Additional Government Pleader, this factual aspect cannot be gone into by the writ Court. ,Though the learned counsel for the petitioners relied upon the proceedings of the District Revenue Officer, when the Government had taken a specific stand that the width of the canal is as per the revenue records, this Court cannot give any factual conclusion based on the proceedings of the District Revenue Officer. Apart from that, while looking at the impugned proceedings, it is seen that it is an inter departmental communication between the 2nd respondent and 5th respondent. ,Therefore, as rightly contended by the learned Additional Government Pleader, mere inter departmental communication will in no way give any cause of action for the petitioners to prefer a writ petition. According to the impugned proceeding, the trees comes within the land classified as canal promboke. Therefore, this Court, absolutely do not find any merits in the present writ petition. If at all the petitioners have got any remedy, their remedy is to be adjudicated only by approaching the Civil Court, if they are so advised. Therefore, the present Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S.,J.) (C.K.,J.)
05-02-2026

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

VSI



To

1. The President of Functioning Committee /
District Collector, Collector Office, Erode District.
2. The Assistant Director
Personal Assistant to District Collector, Department of Land Survey
Records, District Land Survey Officer, Erode District.
3. The Revenue Divisional Officer
Erode District.
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Public Works Department, Water Sources Organisation,
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7. C. Muthusamy
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Manakattu Thottam,
Chettipalayam, Erode District.



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WP No. 21887 of 2



**S.M.SUBRAMANIAM J.
AND
C.KUMARAPPAN J.**

VSI

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