



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-04-2026

CORAM

WEB COPY

THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY

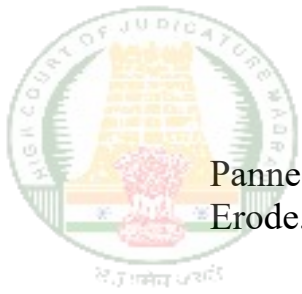
**W.P No. 23376 of 2023 and
WMP.No.22914 of 2023**

1. R.Ajantha
W/o.Rangasamy, No.928, East Street,
Ellapalayam, Erode 638 004.
2. Palaniammal
W/o.Semban, No.92, East Street, Ellapalayam,
Erode - 638 004.
3. Arayi
W/o.Ammasai,
No.034, East Street, Ellapalayam,
Erode - 638 004.
4. Chinnasamy
S/o.Ramasamy,
No.124/50, East Street, Ellapalayam,
Erode - 638 004.
5. Anjali
W/o.Palanisamy,
No.1/39, East Street, Ellapalayam,
Erode- 638 004.

..Petitioners

Vs

1. The District Collector
Erode District, Erode.
2. The Tahsildar
Erode Taluk,
Erode District.
3. The Commissioner
Erode Municipality,



Panneer Selvam Park,
Erode.

WP No. 23376 of 2



..Respondents

Writ Petition filed under Article 226 of Constitution of India seeking for issuance of Writ of Mandamus directing the 2nd Respondent to issue patta infavour of the petitioners in Survey No.187/2, East Street, Ellapalayam Village, Erode District based on the 3rd respondent's recommendation in Na.Ka. No.E1/ 003/2023 dated 20.06.2023 and consider the Petitioner's representation dated 12.05.2023 and time may be fixed by this Court.

For Petitioner: Mr.G.Pavendhan

For Respondents: Mr.C.Gowthamaraj (R1 and R2)
Government Advocate
Mr.M.Rajamathivanan (R3)

ORDER

This Writ Petition has been filed seeking a direction to the 2nd Respondent to issue patta in favour of the petitioners in Survey No.187/2, East Street, Ellapalayam Village, Erode District based on the 3rd respondent's recommendation in Na.Ka. No.E1/ 003/2023 dated 20.06.2023 and consider the Petitioner's representation dated 12.05.2023.

2. The learned counsel for the petitioners would submit that the petitioners constructed a thatched house in Survey No.187 situated at East



Street, Ellapalayam Village, Erode Taluk, Erode District and residing there for the past 45 years. They are also possessing the Ration Card, Voter I.D., adhar Card, Water connection and Electricity connection and they are also paying the Property Tax, Water Charges and Electricity Charges to the respondents.

2.1. Further he would submit that since the respondents attempted to remove the construction put up by the petitioners, without providing alternative accommodation, the petitioners made a representation to the respondents on 12.05.2023 seeking alternative accommodation. Based on their request, the 3rd respondent issued a communication dated 20.06.2023 to the 2nd respondent to issue patta in favour of the petitioners for the subject property, despite the same, the 2nd respondent has not taken any action. Therefore, the petitioner had filed this Writ Petition seeking for the aforesaid relief.

3. The learned Government Advocate appearing for the respondents 1 and 2 would submit that the petitioners are the encroachers and the subject property was allotted to the Erode Municipality for the purpose of Corporation Park and therefore they are not in a position to issue patta to the petitioners with respect to the subject property.

4. Heard both sides. Perused the records.



5. In the case on hand, it is stated by the petitioners that they have constructed a house and was residing there for the past 45 years and that apart based on the request made by the petitioners, the 3rd respondent vide communication dated 20.06.2023 recommended the 2nd respondent to issue patta in favour of the petitioners for the subject property. But it is stated by the respondents 1 and 2 that the subject property is allotted for Corporation Park.

6. This being the case, this Court is of the view that the Corporation park can be constructed outside the city or any other place within the vacant plot also and it is not necessary for the Municipality to demolish the construction already put up by the petitioners by spending their hard earned money for the purpose of constructing the park. Though the petitioners are encroachers, they are residing in the subject property for the past 45 years and have regularly been paying the Property Tax, Water Tax and Electricity Charges. Therefore, there is no impediment on the part of the respondents 1 and 2 to issue patta to the petitioners and despite the recommendation made by the 3rd respondent for issuance of patta to the petitioners, the 2nd respondent have not chosen to pass orders on the representation of the petitioners till date.

7. In such view of the matter, the 2nd respondent is directed to consider and pass orders on the representation of the petitioners dated **12.05.2023**, on merits and in accordance with law, in the light of the communication of the 3rd



respondent dated 20.06.2023, within a period of twelve weeks from the date of receipt of a copy of this order, after issuing notice to the petitioner and after hearing the petitioner as well as the parties concerned.

8. Accordingly this Writ Petition is disposed of. No costs. Consequently connected Miscellaneous Petition is closed.

01-04-2026

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



To

WEB COPY

1. The District Collector
Erode District, Erode.
2. The Tahsildar
Erode Taluk, Erode District.
3. The Commissioner
Erode Municipality Panneer Selvam Park, Erode.



WEB COPY

WP No. 23376 of 2



KRISHNAN RAMASAMY, J.

arr

WP No. 23376 of 2023

01-04-2026



WEB COPY

WP No. 23376 of 2

