



W.P.No.9474 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2024

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**  
and  
THE HONOURABLE MR.JUSTICE **K.RAJASEKAR**

**W.P.No.9474 of 2021**  
**and**  
**W.M.P. No.10073 of 2021 in W.P. No.9474 of 2021**

S.Subash

... Petitioner

Vs.

1.The District Collector,  
Kallakurichi District,  
Kallakurichi,  
Pin – 606 202.

2.The Revenue Divisional Officer,  
Kallakurichi,  
Kallakurichi District,  
Pin – 606 202.

3.The Thasildar,  
Taluk Office,  
Sankarapuram Taluk,  
Kallakurichi District,  
Pin – 606 401.



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4.The Block Development Officer  
(Village Panchayats),  
Rishivandhiyam Panchayat Union @  
Vanapuram, Pagandai Koot Road,  
Sankarapuram Taluk,  
Kallakurichi District,  
Pin – 605 801.

5.P.Sridhar

... Respondents

Writ Petition filed under Article 226 of The Constitution of India  
praying to issue a Writ of Mandamus to direct the official respondents  
1 to 4 to remove the illegal encroachment made on the poromboke  
land by the fifth respondent in Old Village Survey No.36/1A part  
(100/2), Sub-Division No.2 (Common Lane/Sandhu) of Endal Village,  
Sankarapuram Taluk, Kallakurichi District.

For Petitioner : Mr.S.Udayakumar  
for Ms.K.Kumudha

For Respondents : Mr.T.K.Saravanan,  
Govt. Advocate  
for R1 to R4  
Mr.Sudharshan  
for Mr.R.Vivekananthan for R5



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## ORDER

[Order of the Court was made by **M.SUNDAR, J.,**]

This order will now dispose of the captioned 'Writ Petition' ['WP' for the sake of brevity].

2. Mr.S.Udayakumar, learned counsel representing Ms.K.Kumudha, learned counsel on record for writ petitioner, Mr.T.K.Saravanan, learned Government Advocate for R1 to R4 and Mr.Sudharshan, learned counsel representing Mr.R.Vivekananthan, learned counsel on record for R5 are before us.

3. Adverting to representation from the writ petitioner dated 14.02.2021, learned counsel for writ petitioner submitted that there is alleged encroachment in 'common lane at Old Village Survey No.36/1A part (100/2), Sub-Division No.2 (Common Lane/Sandhu) of Endal Village, Sankarapuram Taluk, Kallakurichi District' [hereinafter 'said land' for the sake of convenience and clarity] by R5 before us. To be noted, R5 is a private respondent.



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4. In the light of what has been alluded to supra and considering the limited scope of the captioned WP, with the consent of both sides, main WP was taken up.

5. It was submitted by learned Government Advocate that G.O.(Ms)No.64, Revenue and Disaster Management Department, Land Disposal Wing, dated 08.02.2022 has been put in place, wherein and whereby Divisional Monitoring committee, District Monitoring Committee and State Steering Committee have been constituted *inter alia* for a single point reporting / monitoring system qua Government lands.

6. In the light of the narrative thus far, we deem it appropriate to refer the matter to the Divisional Monitoring Committee headed by Revenue Divisional Officer (RDO), Tirukoilur, Kallakurichi District, in the light of G.O.(Ms)No.64, Revenue and Disaster Management Department, Land Disposal Wing, dated 08.02.2022.

7. This Court directs the jurisdictional Divisional Monitoring Committee to examine if there is encroachment qua said land. The



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Divisional Monitoring Committee shall also ensure that adequate and ample opportunity is given to persons concerned more particularly alleged encroacher (R5) before taking a call. To be noted, all the rights and contentions of alleged encroacher are preserved for being raised before the Committee concerned which shall consider the same on its own merits and in accordance with law untrammelled by this proceedings in this Court.

8. The Divisional Monitoring Committee qua G.O.(Ms)No.64, Revenue and Disaster Management Department, Land Disposal Wing, dated 08.02.2022, shall (if it comes to the conclusion that there is encroachment) report the encroachment for further action (for removal of encroachment which again shall be after giving adequate and ample opportunity to alleged encroacher).

9. It is open to the WP petitioner and or anyone concerned with this matter to come to this Court on the same issue even with a similar / same prayer if there are any change of circumstances.



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10. We make it clear that we have not expressed any view or opinion as to whether there is encroachment or not qua said land as it turns on facts and it is for the Divisional Monitoring Committee to take a call on this aspect of the matter.

11. Captioned WP is disposed of with the aforementioned observations and directives in the aforesaid manner. Consequently, captioned Writ Miscellaneous Petition (WMP) is disposed of as closed. There shall be no order as to costs.

**(M.S.,J.) (K.R.S.,J.)**

04.11.2024

Index : Yes / No  
Neutral Citation : Yes / No  
mmi

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