



WEB COPY

W.P.No.14729 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2024

CORAM

**THE HONOURABLE MR.JUSTICE M.SUNDAR**

and

**THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN**

**THILAKAVADI**

W.P.No.14729 of 2024

and

W.M.P.No.15975 of 2024

in

W.P.No.14729 of 2024

T.Muthukumaresan  
S/o.Thangavel Gounder

... petitioner

Vs.

1. The District Collector  
District Collector Office  
Salem.
2. The Revenue Divisional Officer  
District Collector Office  
Salem Taluk  
Salem - 636 001.
3. The Tahsildar  
Hasthampatti  
Salem Taluk - 636 007.



W.P.No.14729 of 2024

WEB COPY

4. The Block Development Officer  
Salem Taluk  
Salem.

5. Periyasamy ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment made in the "Panchayath Poramboke Road" in R.S.No.298 and to bring the land to its original form and remove the Temple Construction that was laid down so as to obstruct the villagers from utilizing the Panchayath Poramboke Road by considering the petitioner's representation dated 12.02.2024.

|                 |   |                                                                                                                             |
|-----------------|---|-----------------------------------------------------------------------------------------------------------------------------|
| For Petitioner  | : | Mr.T.Balaji                                                                                                                 |
| For Respondents | : | Mr.A.Selvendran<br>Special Government Pleader<br>for R1 to R3<br>Mr.V.Veluchamy,<br>Additional Government Pleader<br>for R4 |

## **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].



W.P.No.14729 of 2024

2. Mr.T.Balaji, learned counsel on record for writ petitioner is before

us.

3. Adverting to a representation from the writ petitioner dated 12.02.2024, learned counsel submitted that there is alleged encroachment in 'Panchayath Poramboke Road in R.S.No.298, Sanniyasikundu Main Road, Erumapalayam Village, Salem District' [hereinafter 'said land' for the sake of convenience and clarity] by R5 before us. To be noted, R5 is a private respondent.

4. Considering the obtaining position, we are of the view that the captioned WP can be disposed of by ordering notice to official respondents (R1 to R4) and putting in a safety valve / adequate protection qua private respondent i.e., R5.

5. Issue notice to official respondents i.e., R1 to R4.



W.P.No.14729 of 2024

6. Mr.A.Selvendran, learned Special Government Pleader accepts notice for R1 to R3. Mr.V.Veluchamy, learned Additional Government Pleader accepts notice for R4.

7. 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.

8. It was submitted by learned Special Government Pleader 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.

9. 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), Salem, in the light of G.O.(Ms)No.64, Revenue



W.P.No.14729 of 2024

and Disaster Management Department, Land Disposal Wing, dated 08.02.2022.

10. This Court directs the jurisdictional Divisional Monitoring Committee to examine if there is encroachment qua said land. The 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. In this regard, we are acutely conscious that the matter is being disposed of in Admission Board without notice to alleged encroacher and therefore, this safety valve is put in place. 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.

11. 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)



W.P.No.14729 of 2024

report the encroachment for further action (for removal of encroachment which again shall be after giving adequate and ample opportunity to alleged encroacher).

12. 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.

13. We make it clear that we are not expressing 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.

14. Captioned WP is disposed of with the aforementioned observations and directives in the aforesaid manner. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

(M.S.,J.)

(K.G.T.,J.)

21.06.2024

Index : Yes

Speaking

Neutral Citation : Yes

*mk*

Page Nos.6/8



W.P.No.14729 of 2024

WEB COPY

To

1. The District Collector  
Tiruvannamalai.
2. The Tahsildar  
Polur  
Tiruvannamalai District.
3. The Block Development Officer (Village Panchayat)  
Panchayat Union  
Polur,  
Tiruvannamalai District.
4. The Panchayat President  
Mukkurumbai Panchayat  
Tiruvannamalai District.
5. The Revenue Divisional Officer,  
Salem District.



WEB COPY



W.P.No.14729 of 2024

**M.SUNDAR, J.,**  
**and**  
**K.GOVINDARAJAN THILAKAVADI, J.,**

*mk*

W.P.No.14729 of 2024

21.06.2024

Page Nos.8/8