



W.P.No.15074 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

W.P.No.15074 of 2024

E.Ulaganathan
S/o.Eswaran

... petitioner

Vs.

1. The District Collector
District Collectorate
Tiruppur District.
2. The Tahsildar
Taluk Office
Dharapuram Taluk
Tiruppur District.
3. The Zonal Deputy Tahsildar-2
Dharapuram
Tiruppur District.
4. The Revenue Inspector
Sankarandampalayam
Dharapuram Taluk
Tiruppur District.

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5. The Firka Surveyor
Sankarandampalayam
Tiruppur District.
6. The Village Administrative Officer
Suriyanallur Village
Tiruppur District.
7. Shanmuga Sundaram
S/o. Kittusamy
8. Subramani
S/o.Palanisamy
9. Rukmani
W/o.Eswaramoorthi
10. Ramalingam
S/o.Karupusamy
11. Sanjeevikumar
S/o.Angamuthu
12. Thangaraj
S/o.Deivasigamani
13. Kumar
S/o.Palanisamy
14. Sundharasamy
S/o.Govindhasamy
15. Sankar
S/o.Krishnan



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16. Thiyagarajan
S/o.Muthusamy
17. Tamilselvi
W/o.Parameshwaran
18. Prakash
S/o.Lingasamy
19. Sakthivel
S/o.Ponnusamy
20. Navanedhakrishnan
S/o.Subukutty
21. Selvakumar
S/o.Palaniappan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents 1 to 6 herein to remove the encroachments made by the respondents 7 to 21 in the "Road Cart Track" poromboke land situate in Survey Nos.542, 543, 546 and 548, Suriyanallur Village, Dharapuram Taluk, Tiruppur District and restore the public road to its original position based on the order of the 2nd respondent issued in Na.Ka.No.271/2023/A5 dated 14.03.2024 within the time to be stipulated by this Court.

For Petitioner : Mr.A.Ambedkar

For Respondents : Mr.T.K.Saravanan

Government Advocate

For R1 to R6



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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.A.Ambedkar, learned counsel on record for writ petitioner is before us.

3. Adverting to a representation from the writ petitioner dated 21.12.2022, learned counsel submitted that there is alleged encroachment in 'Road Cart Track, poromboke land situate in Survey Nos.542, 543, 546 and 548, Suriyanallur Village, Dharapuram Taluk, Tiruppur District' [hereinafter 'said land' for the sake of convenience and clarity] by R7 to R21 before us. To be noted, R7 to R21 are private respondents.



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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), Dharapuram, in the light of G.O.(Ms)No.64, Revenue 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 encroachers (R7 to R21) 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 encroachers and therefore, this safety valve is put in place. To be noted, all the rights and contentions of alleged encroachers are preserved for being raised before the Committee concerned which shall



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

12. There is proceedings dated 14.03.2024 bearing reference Na.Ka.No.271/2023/A5 made by R2 i.e., jurisdictional Tahsildar [Tahsildar, Dharapuram Taluk, Tiruppur District]. This proceedings shall be considered (but not relied wholly) by the Committee. In other words, the Committee will not be bound by these proceedings but these proceedings shall also be taken into account while coming to the conclusion.



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13. 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.

14. 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.

15. Captioned WP is disposed of with the aforementioned observations and directives in the aforesaid manner. There shall be no order as to costs.

(M.S.,J.)

(K.G.T.,J.)

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Index : Yes / No

Speaking / Non-speaking

Neutral Citation : Yes / No

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and
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