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WP.No.17043 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2024

CORAM

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

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

**W.P.No.17043 of 2024**

N.Arumugam

... Petitioner

Vs.

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

2.The Thasildar,  
Sankarapuram,  
Kallakurichi District – 606 202.

3.The Revenue Inspector,  
Sankarapuram,  
Kallakurichi District – 606 202.

4.Azhagammal

... 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 3 herein to remove the encroachment made in and over the Government pathway poramboke land comprised in Survey No.300/3-0.75.0 acres situated at Kosapadi Village & Post, Sankarapuram Taluk

Page Nos.1/7



WP.No.17043 of 2024

and Kallakurichi District by the 4<sup>th</sup> respondent herein, within a limited time framed by this Court by considering the petitioner's representation dated 22.01.2024 and 29.01.2024.

For Petitioner : Mr.A.Prakash  
For Respondents : Mr.P.Balathandayutham,  
Spl. Govt. Pleader  
for R1 to R3

### 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.Prakash, learned counsel on record for writ petitioner is before us.

3. Adverting to representations from the writ petitioner dated 22.01.2024 and 29.01.2024, learned counsel submitted that there is alleged encroachment in 'Government pathway poramboke land comprised in Survey No.300/3-0.75.0 acres situated at Kosapadi Village & Post, Sankarapuram Taluk and Kallakurichi District'

Page Nos.2/7



WP.No.17043 of 2024

[hereinafter 'said land' for the sake of convenience and clarity] by R4 before us. To be noted, R4 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 R3) and putting in a safety valve / adequate protection qua private respondent i.e., R4.

5. Issue notice to official respondents i.e., R1 to R3.

6. Mr.P.Balathandayutham, learned Special Government Pleader accepts notice for R1 to R3.

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

Page Nos.3/7



WP.No.17043 of 2024

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), Kallakurichi, 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 encroacher (R4) 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



WP.No.17043 of 2024

in this Court.

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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. 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 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.

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

Page Nos.5/7



WP.No.17043 of 2024

WEB COPY

(M.S.,J.) (K.G.T.,J.)  
01.07.2024

Index : Yes / No  
Neutral Citation : Yes / No  
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To

- 1.The District Collector,  
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Kallakurichi District – 606 202.
- 2.The Thasildar,  
Sankarapuram,  
Kallakurichi District – 606 202.
- 3.The Revenue Inspector,  
Sankarapuram,  
Kallakurichi District – 606 202.
- 4.The Revenue Divisional Officer,  
Kallakurichi.

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

mmi

Page Nos.6/7



WEB COPY



*WP.No.17043 of 2024*

**W.P.No.17043 of 2024**

**01.07.2024**

Page Nos.7/7