



W.P.No.20219 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN

THILAKAVADI

W.P.No.20219 of 2024

S.Mohankumar
S/o.Shanmugam

... petitioner

Vs.

1. The District Collector
Namakkal District.
2. The Divisional Engineer
Highways Department
Mohanur Road
Namakkal
Namakkal District.
3. The Revenue Divisional Officer
Revenue Divisional Office
Truchengode
Namakkal District.
4. The Tahsildar
Paramathi Velur Taluk
Namakkal District.

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Palanisamy
S/o.Ramasamy

... Respondents

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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 by the 5th respondent in Survey No.194/1 at Solasiramani Village, Paramathi Velur Taluk, Namakkal District.

For Petitioner : Mr.K.Kishore Kumar
for Mr.R.Mohanasundaram
For Respondents : Mr.P.Balathandayutham
Special Government Pleader
for R1 to R4

ORDER

**[Order of the Court was made by
K.GOVINDARAJAN THILAKAVADI J.,]**

The petitioner seeks for the issuance of Writ of Mandamus directing the respondents 1 to 4 to remove the encroachment made by the 5th respondent in Survey No.194/1 at Solasiramani Village, Paramathi Velur Taluk, Namakkal District.

2.The petitioner's case is that, the property in Survey No.200/2B1 to the extent of 0.40 cents is in possession and enjoyment of the petitioner. The



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land situated in Survey No.194/1 is classified as road poramboke. The petitioners and other land owners are using the said road for reaching their respective agricultural lands. While so, the 5th respondent is in encroachment of the said road poramboke for which, the petitioner has submitted a representation dated 11.10.2023 to the respondents 1 to 4. however, no action has been taken by the official respondents. Hence, the petitioner was constrained to file the above writ petition.

3.Mr.K.Kishore Kumar, learned counsel representing counsel on record for writ petitioner is before us.

4. Issue notice to official respondents i.e., issue notice regarding admission.

5. Mr.P.Balathandayutham, learned Special Government Pleader accepts notice for respondents 1 to 4.

6. By consent of the respective counsel before us, the writ petition is taken up for disposal, putting in a safety valve/ adequate protection qua private respondent i.e., 5th respondent, as 5th respondent is not before us.



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7. The learned Special Government Pleader submits 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.

8. In the light of the above submissions, we deem it appropriate to refer the matter to the Divisional Monitoring Committee headed by Revenue Divisional Officer (RDO), Tiruchengode, in the light of G.O.(Ms)No.64, Revenue and Disaster Management Department, Land Disposal Wing, dated 08.02.2022.

9. 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



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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.

10. 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).

11. 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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12. 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.

13. 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 order

Neutral Citation : Yes/No

mk/vsn



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