



W.P.No.20663 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2024

CORAM

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

and

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

**THILAKAVADI**

**W.P.No.20663 of 2024**

R.Venkatesan  
S/o.T.C.Ramasundaram

... petitioner

Vs.

1. The District Collector  
Salem  
Salem District.
2. The Revenue Divisional officer /  
Sub Collector  
Mettur, Salem District.
3. The Tahsildar  
Omalur, Omalur Taluk  
Salem District.
4. The Zonal Director  
Zonal Office  
Salem, Salem District.
5. The Commissioner  
Tharamangalam Municipality

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Salem District.

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6. Murugan  
S/o.Arthanari
7. P.Rajamanickam  
S/o.Perumal
8. Saraswathi  
W/o.Mariyappan
9. Selvi  
W/o.Murugan
10. Easwari  
W/o.Mariyappan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 5 to remove the unlawful encroachment by construction of compound wall made by the respondents 6 to 10 over the pathway in poramboke land in Survey No.244/3 at Chinna Koundapatti, Tharamangalam, Omalur Taluk by exercising the powers conferred U/s.143 to 153 Cr.P.C and by considering the petitioner's representations dated 13.03.2024 and 01.04.2024.

For Petitioner : Mr.M.Elango  
For Respondents : Mr.T.K.Saravanan  
Government Advocate  
for R1 to R5

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## **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 5 to remove the unlawful encroachment made by the respondents 6 to 10 over the pathway in poramboke land in S.No.244/3 at Chinna Koundapatti, Tharamangalam Omalur Taluk, by considering the representations made by the petitioner, on 13.03.2024 and 01.04.2024.

2.The petitioner's case is that, the petitioner is owning properties in Survey Nos.250/5D 1B & 250/5A2 to an extent of 1.70 acres at Chinna Goundapatti, Tharamangalam, Omalur Taluk. The Government poramboke land in S.No.244/3 was used as a public pathway by the petitioner for ingress and egress to his patta land. While so, on 11.03.2024 the private respondents constructed a compound wall in the said pathway. Hence, the petitioner made representations to the 5<sup>th</sup> respondent for removing said unlawful construction. However, the official respondents failed to take steps

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to remove the said encroachments. Hence, the petitioner was constrained to file the above writ petition.

3. Mr.M.Elango, learned counsel on record for writ petitioner is before us.

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

5.Mr.T.K.Saravanan, learned Government Advocate accepts notice for respondents 1 to 5.

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 respondents i.e., R6 to R10, as R6 to R10 are not before us.

7. The learned Government Advocate 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 /



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monitoring system qua Government lands.

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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), Mettur, 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 lands. The Divisional Monitoring Committee shall also ensure that adequate and ample opportunity is given to persons concerned more particularly alleged encroachers (R6 to R10) 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 consider the same on its own merits and in accordance with law



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untrammelled by this proceedings in this Court.

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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 encroachers).

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.

12. 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.



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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*

To

1. The District Collector

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