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W.P.No.20877 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.20877 of 2024

M.P.Anandhan

... Petitioner

Vs.

1. The District Collector
District Collector Office
Tiruppur District
2. The Revenue Divisional Officer
Revenue Divisional Office
Uthukuli Taluk
Tiruppur District
3. The Tahsildar
Uthukuli Taluk
Tiruppur District
4. The Village Administrative Officer
Morattupalayam Village
Uthukuli Taluk

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Tiruppur District

5. O.M.Chandran

6. M.Madhankumar

7.Prabhu

8. Vadivel

9.M.C.S.Manoj

10. Manokar @ Murugesan

11. A.Kalamani

12. Kumar @ Bonda Kumar

13. K.Thandapani

14. S.Sathish

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing Respondents 1 to 4 to remove the encroachment made by the respondent N.5 to 14 in the “Government Poramboke lands” situated in S.F.No.109/31 admeasuring to an extent of 0.24.45 Hectares in Morattupalayam Village, Uthukuli Taluk, Tiruppur District and to bring the land to its original form by considering the petitioner's representation dated 21.06.2024.

For Petitioner : Mr.M.Guruprasad

For Respondents : Mr.P.Balathandayutham
Special Govt. Pleader for R1 to R4

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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 4 to remove the encroachment made by the respondents 5 to 14 from the Government Poramboke lands comprised in S.F.No.109/31 admeasuring to an extent of 0.24.45 Hectares in Morattupalayam Village Uthukuli Taluk, Tiruppur District by considering the representation made by the petitioner on 21.06.2024.

2.The petitioner's case is that the land in S.F.No.109/31 of Morattupalayam Village is a Government Poramboke land, utilized by the common public for a long period of time. On 15.06.2024, the respondents 5 to 14 encroached upon the said land by fencing the same. Hence, the petitioner made a representation on 18.06.2024 to the respondents 1 and 3 for removing the said encroachment. However, the respondents failed to take steps for removing the encroachments. Hence, the petitioner was constrained

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to file the above writ petition.

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3. Mr.M.Guruprasad, learned 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 R1 to R4.

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., R5 to R14, as R5 to R14 are not before us.

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

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point reporting / 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), Thiruppur 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 (R5 to R14) 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.

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.

13. Captioned WP is disposed of with the aforementioned



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observations and directives in the aforesaid manner. There shall be no order as to costs.

(M.S.,J.)

(K.G.T.,J.)

25.07.2024

Index : Yes / No
Speaking / Non-speaking
Neutral Citation : Yes / No
gpa/vsn

To

1. The District Collector

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District Collector Office
Tiruppur District

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