



WEB COPY



WP.No.24712 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2024

CORAM

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

W.P.No.24712 of 2024

S.M.Govindasamy

... Petitioner

vs

- 1.The District Collector,
Perundurai Road,
Erode – 638 011.
- 2.The Revenue Divisional Officer,
Meenkashi Sundaranar Salai,
Erode – 638 001.
- 3.The Tahsildar,
Taluk Office, Erode – 638 001.
- 4.The Executive Officer,
Chithode Municipality,
Erode.

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus to direct the respondents to remove the encroachment and illegal and unauthorised constructions put up at Old Survey No.27, Re-Survey No.88, Sub Division Nos.17 and 18 and Re-Survey No.97 Sub Division Nos.16 & 21, Chithode Municipality, Erode Taluk, Erode District and restore the land on its

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original nature and kept open for the usage of villagers and weavers by following due process of law within a limited time frame.

For Petitioner : Mr.P.Kumaravel

For Respondents : Mr.T.K.Saravanan,
Govt. Advocate

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.P.Kumaravel, learned counsel on record for writ petitioner and Mr.T.K.Saravanan, learned Government Advocate for all four respondents are before us.

3. Adverting to representations from the writ petitioner dated 01.07.2023, learned counsel for writ petitioner submitted that there is alleged encroachment at 'Government land in Survey No.27, Re-Survey No.88, Sub Division Nos.17 and 18 and Re-Survey No.97 Sub Division Nos.16 & 21, Chithode Municipality, Erode Taluk, Erode District' [hereinafter 'said land' for the sake of convenience and clarity] by some individuals, who have not been made parties to this



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writ petition.

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4. 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.

5. It was submitted by learned Government Advocate 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.

6. 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), Meenakshi Sundaranar Salai, Erode, in the light of G.O.(Ms)No.64, Revenue and Disaster Management Department, Land Disposal Wing, dated 08.02.2022.

7. This Court directs the jurisdictional Divisional Monitoring

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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 before taking a call. In this regard, we are acutely conscious that alleged encroachers are not before this Court 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 untrammelled by this proceedings in this Court.

8. 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).

9. 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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10. 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. We also make it clear that this exercise will not apply to patta land and it will apply only to public land, if there is any encroachment in public land.

11. 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.R.S.,J.)
12.11.2024

Index : Yes / No
Neutral Citation : Yes / No
mmi

To

1.The District Collector,
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**M.SUNDAR, J.,
and
K.RAJASEKAR, J.,**

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