



W.P.No.34503 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2024

CORAM

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

W.P.No.34503 of 2024

S.G.Madheswaran
S/o.Gurusamy

... Petitioner

Vs.

1. The District Collector
First Floor, Collectorate
Erode - 638 011.
2. The Tahsildar
Taluk Office, Andhiyur
Erode District - 638 501.
3. The Block Development Officer
Taluk Office, Andhiyur
Erode District - 638 501.
4. The President
Michaelpalayam Panchayat
Andhiyur Block,
Erode District - 638 501.
5. Jeeva
S/o.Sekar

Page Nos.1/8



WP.No.34503 of 2024

6. Nagammal
7. Papapithi
W/o.Karuppaswamy
8. Kavitha
W/o.Palaniswamy
9. Baby
W/o.Pugazhendiran
10. Saroja
W/o.Kariyacholgan

... Respondents

Prayer :

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 made in the public road situate at Michaelpalayam Panchayat, Samathuvapuram Colony Road, Andhiyur Village leading to the Vellavan Nagar.

For Petitioner	:	Mr.N.Shanmuga Thayumanavan
For Respondents	:	Mr.T.K.Saravanan Government Advocate for R1 & R2 Mr.Stalin Abhimanyu Additional Government Pleader for R3 and R4



WP.No.34503 of 2024

ORDER

WEB COPY

[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.N.Shanmuga Thayumanavan, learned counsel on record for writ petitioner is before us.

3. Adverting to a representation from the writ petitioner dated 21.12.2023, learned counsel for writ petitioner submitted that there is alleged encroachment at 'Vellavan Nagar, Michaelpalayam Panchayat, Anthiyur Village, Erode District comprised in R.S.No.895/3' [hereinafter 'said land' for the sake of convenience and clarity] by R5 to R10 before us. To be noted, R5 to R10 are private respondents.

4. Considering the obtaining position, we are of the view that the captioned WP can be disposed of by ordering notice to respondents (R1 to R4) and putting in a safety valve / adequate protection qua alleged encroachers i.e., R5 to R10.

5. Issue notice to official respondents i.e., R1 to R4.



WP.No.34503 of 2024

6. Mr.T.K.Saravanan, learned Government Advocate accepts notice for R1 & R2 and Mr.Stalin Abhimanyu, learned Additional Government Pleader accepts notice for R3 and R4.

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 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.

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), Gobichettipalayam, in the light of G.O.(Ms)No.64, Revenue and Disaster Management Department, Land Disposal Wing, dated 08.02.2022.



WP.No.34503 of 2024

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 encroachers (R5 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 untrammelled by this proceedings in this Court.

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 encroachers).



WP.No.34503 of 2024

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. 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.

14. 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.)

26.11.2024

Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order

mk

Page Nos.6/8



WP.No.34503 of 2024

To

WEB COPY

1. The District Collector
First Floor, Collectorate
Erode - 638 011.
2. The Tahsildar
Taluk Office, Andhiyur
Erode District - 638 501.
3. The Block Development Officer
Taluk Office, Andhiyur
Erode District - 638 501.
4. The President
Michaelpalayam Panchayat
Andhiyur Block,
Erode District - 638 501.
5. The Revenue Divisional Officer
Gobichettipalayam.



WEB COPY



WP.No.34503 of 2024

M.SUNDAR, J.,

and

K.RAJASEKAR, J.,

mk

W.P.No.34503 of 2024

26.11.2024

Page Nos.8/8