



W.P.No.37153 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2024

CORAM

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

W.P.No.37153 of 2024

S. Senthilkumar

Petitioner

Vs.

1. The District Collector
Namakkal

2. The Tahsildar
Taluk Office
Namakkal Taluk
Namakkal District 637 212

3. Marukalampatti Village Panchayat
represented by its President
Velagavundampatti
Namakkal

4. Krishnasamy

5. Nalammal

Respondents

Writ Petition filed under Article 226 of the Constitution of India
seeking a writ of mandamus directing the respondents 1 to 3 to remove the

Page Nos.1/8



WP.No.37153 of 2024

encroachment made by respondents 4 and 5 in the Iterri land in S.No.44/3, Marukalampatti Village, Puthur East, Velagavundampatti Sub Registration District, Namakkal Registration District based on the petitioner's representation dated 09.05.2022.

For petitioner : Mr. S. Saravanakumar
For RR 1 to 3 : Mr. M.S. Arasakumar
Government Advocate

ORDER

[made by **M.SUNDAR, J.,**]

This order will now dispose of the captioned 'Writ Petition' ['WP' for the sake of brevity].

2. Mr. S. Saravanakumar, learned counsel on record for writ petitioner is before us.

3. Adverting to a representation dated 09.05.2022 from the writ petitioner, learned counsel for writ petitioner submitted that there is alleged encroachment at Iterri land in S.No.44/3, Marukalampatti Village, Puthur

Page Nos.2/8



WP.No.37153 of 2024

East, Velagavundampatti Sub Registration District, Namakkal Registration District [hereinafter 'said land' for the sake of convenience and clarity] by respondents 4 and 5 before us. To be noted, respondents 4 and 5 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 official respondents (respondents 1 to 3) and putting in a safety valve / adequate protection *qua* alleged encroachers *i.e.*, respondents 4 and 5.

5. Issue notice to official respondents, *i.e.*, respondents 1 to 3.

6. Mr. M.S. Arasakumar, learned Government Advocate, accepts notice for respondents 1 to 3.

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.



WP.No.37153 of 2024

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), Namakkal District 637 001, in the light of G.O.(Ms)No.64, Revenue and Disaster Management Department, Land Disposal Wing, dated 08.02.2022.

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 (respondents 4 and 5) before taking a call. In this regard, we



WP.No.37153 of 2024

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 encroacher are preserved for being raised before the Committee concerned which shall consider the same on their 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).

12. It is open to the writ 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 is any change of circumstances.



WP.No.37153 of 2024

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.)
12.12.2024

Index : Yes / No
Neutral Citation : Yes / No
cad



WP.No.37153 of 2024

WEB COPY To

1. The District Collector
Namakkal
2. The Tahsildar
Taluk Office
Namakkal Taluk
Namakkal District 637 212
- 3 The President
Marukalampatti Village Panchayat
Velagavundampatti
Namakkal
- 4 The Revenue Divisional Officer
Namakkal 637 001



WEB COPY



WP.No.37153 of 2024

M.SUNDAR, J.,
and
K.RAJASEKAR, J.,
cad

W.P.No.37153 of 2024

12.12.2024

Page Nos.8/8