



W.P.No.37818 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2024

CORAM

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

W.P.No.37818 of 2024

Rajendiran

Petitioner

vs.

1. The District Collector
Dharmapuri District
Dharmapuri
2. The Revenue Divisional Officer
Harur
Dharmapuri District
3. The Tahsildar
Pappireddipatti Taluk
Dharmapuri District
4. Elango
5. Poorani

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 encroachment made by respondents 4 and 5 as found in S.No.74/9, 74/12A

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and 74/12C in Bethasamuthiram village, Pappireddipatti Taluk, Dharmapuri

District being a Government pathway (Nilaviyal Padhai) within a time frame.

For petitioner Ms. R. Geethalakshmi

For RR 1- 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. R. Geethalakshmi, learned counsel on record for writ petitioner is before us.

3. Adverting to a representation dated 16.09.2024 from the writ petitioner, learned counsel for writ petitioner submitted that there is alleged encroachment in S.Nos.74/9, 74/12A and 74/12C in Bethasamuthiram village, Pappireddipatti Taluk, Dharmapuri District being a Government



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pathway (Nilaviyal Padhai) [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, WP was taken up.



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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), Harur, Dharmapuri District, 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



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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 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.



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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.)
19.12.2024

Index : Yes / No
NC : Yes / No
cad



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