



W.P.No.33971 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2024

CORAM

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

W.P.No.33971 of 2024
and
W.M.P.No.36785 of 2024
in
W.P.No.33971 of 2024

K.Vediappan
S/o.Kannu Gounder

... Petitioner

Vs.

1. The District Collector
O/o.Collectorate
Kallakurichi District.
2. The Commissioner
Tamil Nadu H.R & C.E. Department
Uthamar Gandhi Salai
Chennai-600 006.
3. The Joint Commissioner
Tamil Nadu H.R & C.E. Department
Office at Villupuram
Villupuram.

Page Nos.1/10



WP.No.33971 of 2024

4. The Tahsildar
O/o.Taluk Office
Vaanapuram Taluk
Kallakurichi District.

5. A.Selvam
S/o.Ammavasai

6. A.Selvi
S/o.Ammavasai

... Respondents

Prayer :

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus to direct the respondents 1 to 4 to consider the petitioner's representations dated 14.10.2024, 17.10.2024 and 23.10.2024 submitted for action to be taken by the respondents 1 to 4 for removal of the illegal encroachments being committed by the respondents 5 and 6 in the land of Sri Vediappar Swamy Thirukkivil comprised in Survey No.144 of Poruvaloor Village, Vaanagaram Taluk, Kallakurichi District.

For Petitioner	:	Mr.S.Kanmani Annamalai
For Respondents	:	Mr.M.S.Arasakumar Government Advocate for R1 & R4 Mr.N.R.R.Arun Natarajan Special Government Pleader for R2 and R3



WP.No.33971 of 2024

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.S.Kanmani Annamalai, learned counsel on record for writ petitioner is before us.

3. Adverting to representations from the writ petitioner dated 14.10.2024, 17.10.2024 and 23.10.2024, learned counsel for writ petitioner submitted that there is alleged encroachment at 'Survey No.144 of Poruvaloor Village, Vaanagaram Taluk, Kallakurichi District.' [hereinafter 'said land' for the sake of convenience and clarity] by R5 and R6 before us. To be noted, R5 and R6 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



WP.No.33971 of 2024

R4) and putting in a safety valve / adequate protection qua alleged encroachers i.e., R5 and R6.

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

6. Mr.M.S.Arasakumar, learned Government Advocate accepts notice for R1 and R4 and Mr.N.R.R.Arun Natarajan, learned Special Government Pleader accepts notice for R2 and R3.

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



WP.No.33971 of 2024

point reporting / monitoring system qua Government lands.

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9. Writ petitioner claims that he is the Hereditary Poosari of 'Sri Vediappan Swamy Thirukkivil in Poruvaloor Village, Vaanagaram Taluk, Kallakurichi District' [hereinafter 'said Temple' for the sake of brevity] but no document has been placed before us to show that the writ petitioner is the Hereditary Poosari.

10. Photocopies of revenue records placed before us by writ petitioner show that 'S.No.144 in No.9, Poruvaloor Village, Vaanagaram Taluk, Kallakurichi District' [hereinafter 'said land' for the sake of brevity] is Arasu Poromboke. In column i.e., column No.12 of A Register it has been shown as Temple. Therefore there is no document before us to demonstrate that said land is temple land. On the contrary, it appears that said Temple is situate in said land.

11. However, looked at from any angle, alleged encroachment is in public land as it is classified as Arasu Poromboke. Therefore, making it



WP.No.33971 of 2024

clear that this order shall not be construed to be saying that the writ petitioner is the Hereditary Poosari of said Temple, we deem it appropriate to say that action under G.O.Ms.64 will be warranted albeit with notice to alleged encroachers.

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

13. 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 and R6) 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.



WP.No.33971 of 2024

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.

14. 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).

15. 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.

16. 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



WP.No.33971 of 2024

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.

17. Captioned WP is disposed of with the aforementioned observations and directives in the aforesaid manner. Consequently, Writ Miscellaneous Petition is closed. There shall be no order as to costs.

(M.S.,J.) (K.R.S.,J.)
13.11.2024

Index : Yes / No
Neutral Citation : Yes / No
Speaking order / Non-speaking order

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WP.No.33971 of 2024

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Kallakurichi District.
5. The Revenue Divisional Officer
Kallakurichi District.



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WP.No.33971 of 2024

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and

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W.P.No.33971 of 2024

13.11.2024

Page Nos.10/10