



WEB COPY



W.P.No.1617 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2025

CORAM

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

W.P.No.1617 of 2025
and
W.M.P.No.1839 of 2025

Bhaskar
S/o.Perumal

... Petitioner

VS

1. The District Collector
District Collectorate
Salem District.
2. The Revenue Divisional officer
Salem Revenue Division
Salem Town, Salem District.
3. The Tahsildar
Salem West Taluk
Salem District.
4. The Block Development Officer
Salem Panchayat Union
Salem District.

Page Nos.1/8



W.P.No.1617 of 2025

WEB COPY

5. The Inspector of Police
Sooramangalam Police Station
Salem District.

6. Appu @ Vijayakumar
S/o.Chettiar

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing respondents 1 to 5 to remove the encroachment made by the 6th respondent in the common pathway in Gramanatham S.No.119/21, Mallamuppanpatti Village, Salem West Taluk, Salem District.

For Petitioner : Mr.C.K.M.Appaji

For Respondents : Mr.T.K.Saravanan
Government Advocate, for R1 to R4
Mr.A.Gokulakrishnan
Additional Public Prosecutor, for R6

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].

Page Nos.2/8



W.P.No.1617 of 2025

WEB COPY 2. Mr.C.K.M.Appaji, learned counsel on record for writ petitioner is before us.

3. Adverting to a representation dated 25.11.2024, learned counsel for writ petitioner submitted that there is alleged encroachment in 'common pathway in Gramanatham S.No.119/21, Mallamuppanpatti Village, Salem West Taluk, Salem District' [hereinafter 'said land' for the sake of convenience and clarity] by R6 before us. To be noted, R6 is private respondent.

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

5. Issue notice to official respondents i.e., R1 to R5.



W.P.No.1617 of 2025

6. Mr.T.K.Saravanan, learned Government Advocate, accepts notice for R1 to R4. Mr.A.Gokulakrishnan, learned Additional Public Prosecutor, accepts notice for R5.

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 the Revenue Divisional Officer, Salem Revenue Division, Salem Town, Salem District,



W.P.No.1617 of 2025

qua 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 encroacher (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 encroacher 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 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)



W.P.No.1617 of 2025

report the encroachment for further action (for removal of encroachment which again shall be after giving adequate and ample opportunity to alleged encroacher). The entire exercise shall be completed within a period of twelve weeks from today i.e., by 21.04.2025.

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. Consequently, Writ



W.P.No.1617 of 2025

Miscellaneous Petition is disposed of as closed. There shall be no order as to costs.

(M.S.,J.)

(K.R.S.,J.)

27.01.2025

Index : Yes / No

Neutral Citation : Yes / No

Speaking / Non-speaking order

mk

To

1. The District Collector
District Collectorate
Salem District.
2. The Revenue Divisional officer
Salem Revenue Division
Salem Town, Salem District.
3. The Tahsildar
Salem West Taluk
Salem District.
4. The Block Development Officer
Salem Panchayat Union
Salem District.
5. The Inspector of Police
Sooramangalam Police Station
Salem District.

Page Nos.7/8



WEB COPY



W.P.No.1617 of 2025

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

mk

W.P.No.1617 of 2025

27.01.2025

Page Nos.8/8