



W.P. No.3856 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR
and
THE HONOURABLE MRS.JUSTICE K. GOVINDARAJAN THILAKAVADI

W.P. No.3856 of 2025 and W.M.P. No.4277 of 2025

Saravananaraj

Petitioner

vs.

1. The District Collector
Namakkal District
2. The Revenue Divisional Officer
Tiruchengode
Namakkal District
3. The Tahsildar
Kumarapalayam Taluk
Namakkal District
4. The Block Development Officer
Pallipalayam Panchayat Union
Kumarapalayam Taluk
Namakkal District
5. The Special Officer
Thattankuttai Village Panchayat
Kumarapalayam Taluk
Namakkal District
6. The Deputy Superintendent of Police
Tiruchengode
Namakkal District



W.P. No.3856 of 2025

7. The Inspector of Police
Kumarapalayam Police Station
Kumarapalayam Taluk
Namakkal District
8. Thirugnanasambandam
9. Viswanathan
10. S. Baskaran
11. Vijayakumar
12. Mayilsamy
13. Rasu
14. Kulandaivelu
15. Madesh
16. Vinothkumar
17. Sathish
18. Koteeswaran

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 6 to remove the encroachments made in cart track/pathway running in Government land classified as Mayanam and Odai situated in S.F.No.399/12 Kumarapalayam Amani Village, by the respondents 8 to 18 and restore the same as it was running all along by considering petitioner's representations dated 25.09.2024, 01.01.2025 and



W.P. No.3856 of 2025

07.01.2025 and the proceedings of the second respondent dated 25.10.2024.

For petitioner	Mr. R. Prabakar
For RR 1-3, 6 & 7	Mr. T.K. Saravanan Government Advocate
For RR 4 & 5	Mr. P. Harish 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. Prabakar, learned counsel on record, for writ petitioner, is before us.

3. Adverting to representations dated 25.09.2024 and 01.01.2025 and 07.01.2025 from the writ petitioner, learned counsel for writ petitioner submitted that there is alleged encroachment in the 'Government lands classified as Mayanam and Odai in S.F.No.399/12 Kumarapalayam Amani Village, Kumarapalayam Taluk, Namakkal District' [hereinafter 'said lands' for the sake of convenience and

Page Nos.3/8



W.P. No.3856 of 2025

clarity] by RR 8 to 18 before us. To be noted, RR 8 to 18 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 (RR 1 - 7) and putting in a safety valve / adequate protection *qua* alleged encroachers *i.e.*, RR 8 to 18.

5. Issue notice to official respondents, *i.e.*, RR 1 to 7.

6. Mr. T.K. Saravanan, learned Government Advocate, accepts notice for RR 1 to 3, 6 and 7 and Mr. P. Harish, learned Government Advocate, accepts notice for RR 4 and 5.

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, captioned 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



W.P. No.3856 of 2025

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 R2 *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 lands. The Divisional Monitoring Committee shall also ensure that adequate and ample opportunity is given to persons concerned, more particularly alleged encroachers (RR 8 to 18) 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



W.P. No.3856 of 2025

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). The entire exercise shall be completed within a period of 12 weeks from today *i.e.*, by 30.04.2025.

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.

13. We make it clear that we have not expressed any view or opinion as to whether there is encroachment or not *qua* said lands 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



W.P. No.3856 of 2025

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 miscellaneous petition thereat is disposed of as closed. There shall be no order as to costs.

(M.S., J.) (K.G.T., J.)
05.02.2025

cad
Index : Yes/No
NC : Yes/No



WEB COPY



W.P. No.3856 of 2025

M.SUNDAR, J.
and
K. GOVINDARAJAN THILAKAVADI, J.

cad

To

1. The District Collector
Namakkal District
2. The Revenue Divisional Officer
Tiruchengode
Namakkal District
3. The Tahsildar
Kumarapalayam Taluk
Namakkal District
4. The Block Development Officer
Pallipalayam Panchayat Union
Kumarapalayam Taluk
Namakkal District
5. The Special Officer
Thattankuttai Village Panchayat
Kumarapalayam Taluk
Namakkal District
6. The Deputy Superintendent of Police
Tiruchengode
Namakkal District
7. The Inspector of Police
Kumarapalayam Police Station
Kumarapalayam Taluk
Namakkal District

W.P. No.3856 of 2025

05.02.2025

Page Nos.8/8