



W.P.No.5552 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2025

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

W.P.No.5552 of 2025

Thangavel
S/o.Late C.Chinnapayan

...Petitioner

Vs

1. The District Collector
Salem District
Salem.
2. The Tahsildar
Omalur Taluk
Salem District.
3. Chinnapayan
S/o.Maarimuthu @ Andigounder
4. Ambaira Mudaliyar
S/o.Maarimuthu Mudaliyar

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to conduct survey and to demarcate boundaries of the Odai running in the petitioner's patta land comprised in Survey Numbers 155/1A, 156/2A situate at

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T.Maaramangalam Village, Omalur Taluk, Salem District based on the application dated 27.11.2023 and to restore the Odai in its original position enabling to reach the rainwater from Thulasampati lake to Periya Eri by removing the encroachment made by the 3rd and 4th respondents.

For Petitioner : Mr.C.Prabakaran
For Respondents : Mr.T.K.Saravanan
Additional Government Pleader
for R1 and R2

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.C.Prabakaran, learned counsel on record for writ petitioner is before us.

3. Adverting to a representation dated 27.11.2023, learned counsel for writ petitioner submitted that there is alleged encroachment in 'Survey Numbers 155/1A, 156/2A situate at T.Maaramangalam Village, Omalur Taluk, Salem District' [hereinafter 'said land' for the sake of convenience and



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clarity] by R3 and R4 before us. To be noted, R3 and R4 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 and R2) and putting in a safety valve / adequate protection qua alleged encroacher i.e., R3 and R4.

5. Issue notice to official respondents i.e., R1 and R2.

6. Mr.T.K.Saravanan, learned Additional Government Pleader, accepts notice for R1 and R2.

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 Additional Government Pleader that



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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, Mettur, 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 encroachers (R3 and R4) 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.



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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.

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 twelve weeks from today i.e., by 14.05.2025.

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



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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.G.T.,J.]

19.02.2025

Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order

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To

1. The District Collector
Salem District, Salem.
2. The Tahsildar
Omalur Taluk
Salem District.
3. The Revenue Divisional Officer,
Mettur.

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K.GOVINDARAJAN THILAKAVADI, J.,

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