



W.P.No.4233 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 20.06.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **R.SAKTHIVEL**

W.P.No.4233 of 2024

Mr.S.K.Yadhav

... Petitioner

Vs.

1. The Thasildar
Kallakurichi Taluk
Kallakurichi District

2. The Executive Officer
Special Town Panchayat
Thriyadurugam Village
Kallakurichi Taluk
Kallakurichi District

3. Mr.P.Govindhan

4. Mr.P.Adhimulam

5. Mr.P.Rajagopal

... Respondents

Writ Petition filed under Article 226 of The Constitution of India
praying to issue a Writ of Mandamus directing the 2nd respondent to
dispose the petitioner's representation dated 16.01.2024 and subsequently

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prevent the 3rd to 5th respondents encroaching the eastern side pathway of the petitioner's property bearing Plot No.31, an extent of 1320 sq.ft comprised in Survey No.85/3, Periyamambattu Village, Selva Nagar, Thiyyagadurrgam, Kallakurichi Taluk, Kallakuruchi District.

For Petitioner : Ms.K.Varsha

For Respondents : Mr.T.K.Saravanan
Additional Government Pleader
for R1 & R2

Mr.S.Shrish
for N.Manokaran for R3 to R5

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. Ms.K.Varsha, learned counsel on record for writ petitioner, Mr.T.K.Saravanan, learned Additional Government Pleader for R1 and R2 and Mr.S.Shrish, learned counsel representing Mr.N.Manokaran, counsel on record for R3 to R5 are before this Court.

3. Adverting to representation dated 16.01.2023 from the writ



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petitioner, learned counsel for writ petitioner submitted that there is alleged encroachment in 'eastern side pathway of petitioner's property in Plot No.31 in Survey No.85/3, Peryiamambattu Village, Selva Nagar, Thiyagadurrgam, Kallkurichi District' [hereinafter 'said pathway' for the sake of convenience and clarity] by R3 to R5 before us. To be noted, R3 to R5 are private respondents.

4. Considering the facts and circumstances of the case in juxtaposition with G.O.(Ms)No.64, Revenue and Disaster Management Department, Land Disposal Wing, dated 08.02.2022 {hereinafter 'said GO' for the sake of convenience} which puts in place a removal of encroachment procedure *inter-alia* giving opportunity to alleged encroachers, we are of the view that the captioned WP can be disposed of by putting in a safety valve / adequate protection qua alleged encroachers i.e., R3 to R5.

5. It was submitted by learned State counsel that said GO has been put in place, wherein and whereby Divisional Monitoring Committee, District Monitoring Committee and State Steering Committee have been



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constituted *inter alia* for a single point reporting / monitoring system *qua* Government lands.

6. 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, Kallakurichi *qua* said GO.

7. This Court directs the jurisdictional Divisional Monitoring Committee to examine if there is encroachment *qua* said land.

8. The Divisional Monitoring Committee *qua* said GO shall (if it comes to the conclusion that there is encroachment) report the encroachment to appropriate authorities concerned for further action (for removal of encroachment). 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. The entire exercise shall be completed within a period of 14 weeks from today *i.e.*, by 26.09.2025.



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WEB COPY 9. 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.

10. 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.

11. 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.)

(R.S.V.,J.)

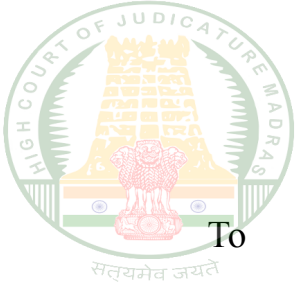
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Neutral Citation : Yes / No

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To

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Kallakurichi Taluk
Kallakurichi District
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Special Town Panchayat
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3. The Revenue Divisional Officer
Kallakurichi



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**M.SUNDAR, J.,
and
R.SAKTHIVEL, J.,**

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