



W.P.No.7102 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2025

WEB COPY

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

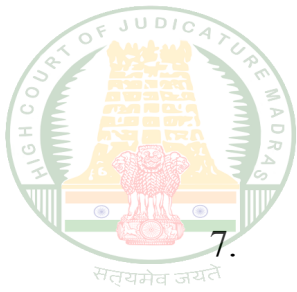
W.P.No.7102 of 2023

Kullan @ Ramasamy
S/o.Chinnaiyan

... Petitioner

vs.

1. The District Collector
Salem.
2. The Revenue Divisional Officer
Athur,
Salem District.
3. The Tahsildar
Athur, Salem District.
4. The Block Development Officer (BDO)
Panchayat Union Office
Athur.
5. The Panchayat Office
Koolamedu Panchayat
Koolamedu Post
Athur Taluk, Salem District.
6. Kannan
S/o.Muthu



W.P.No.7102 of 2023

WEB COPY

7. Kumar
S/o.Perumal

8. Sankar
S/o.Perumal

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, directing the respondents to consider the representation dated 02.03.2022 by the petitioner to remove the encroachments in "Cart Track" in Survey No.488/2 situate in Koolamedu Panchayat, Paithur South Village, Koolamedu Post, Athur Taluk, Salem District forthwith.

For Petitioner : Mr.T.Dharani
For Respondents : Mr.M.S.Arasakumar
Government Advocate
for R1 to R3
Mr.T.K.Saravanan
Additional Government Pleader
for R4 & R5
Ms.E.Thiyaga
for Mr.B.Balavijayan, for R8
R6 & R7 - No appearance

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

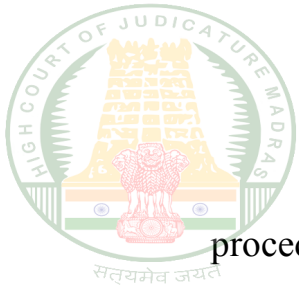


W.P.No.7102 of 2023

2. Mr.T.Dharani, learned counsel representing counsel on record for writ petitioner, Mr.M.S.Arasakumar, learned Government Advocate, for respondents 1 to 3, Mr.T.K.Saravanan, learned Additional Government Pleader, for respondents 4 & 5 and Ms.E.Thiyaga, learned counsel representing counsel on record for 8th respondent are before us.

3. Adverting to a representation dated 02.03.2022 from the writ petitioner, learned counsel for writ petitioner submitted that there is alleged encroachment in 'Cart Track in Survey No.488/2 situate in Koolamedu Panchayat, Paithur South Village, Koolamedu Post, Athur Taluk, Salem District' [hereinafter 'said land' for the sake of convenience and clarity] by respondents 6 to 8 before us. To be noted, respondents 6 to 8 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



W.P.No.7102 of 2023

procedure *inter-alia* giving opportunity to alleged encroachers, we are of the view that the captioned WP can be disposed of with consent of both sides by putting in a safety valve / adequate protection *qua* alleged encroachers *i.e.*, respondents 6 to 8.

5. 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 WP was taken up.

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

7. 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, Athur, Salem District *qua* said GO.



W.P.No.7102 of 2023

WEB COPY 8. This Court directs the jurisdictional Divisional Monitoring Committee to examine if there is encroachment *qua* said land.

9. 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 / respondents 6 to 8 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 25.11.2025.

10. 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.



W.P.No.7102 of 2023

WEB COPY

11. 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.

12. 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.,)

(H.C.J.,)

19.08.2025

Index : Yes

Neutral Citation : Yes

Speaking Order

mk



W.P.No.7102 of 2023

WEB COPY

To

1. The District Collector
Salem.
2. The Revenue Divisional Officer
Athur,
Salem District.
3. The Tahsildar
Athur, Salem District.
4. The Block Development Officer (BDO)
Panchayat Union Office
Athur.
5. The Panchayat Office
Koolamedu Panchayat
Koolamedu Post
Athur Taluk, Salem District.



WEB COPY



W.P.No.7102 of 2023

**M.SUNDAR, J.,
and
HEMANT CHANDANGOUDAR, J.,**

mk

W.P.No.7102 of 2023

19.08.2025

Page Nos.8/8