



W.P.No.8383 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 19.06.2025

CORAM

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

and

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

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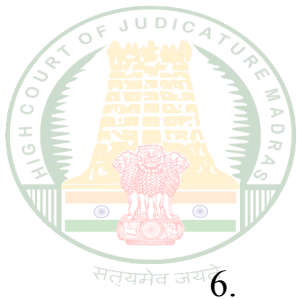
N.S.Krishnasamy
President of Nathipalayam Panchayat Union
Kullampalayam, Gopichettipalayam
Erode - 638 476.

... Petitioner

vs.

1. The District Collector
Office of the Erode District Collectorate
Erode District - 638 011.
2. The Tahsildar
Office of the Tahsildar
Gopichettipalayam - 638 452.
3. The District Revenue Officer
Office of the Erode District Collectorate
Erode District - 638 011.
4. The Revenue Inspector (RI)
Office of the Revenue Inspector
Gopichettipalayam - 638 452.
5. The Block Development Officer
Panchayat Union Office.
Gopichettipalayam - 638 452.

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6. N.K.Ayyappan
S/o.Mr.Kaalivannan

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, directing the first respondent to take action to remove the unlawful and illegal encroachment made by the 6th respondent in S.No.146/29 situated at Nathipalayam Village, Gobichettipalayam, by encroaching 29 square meter (or) 312 square feet of the Government Poromboke land, pursuant to the representation dated 22.01.2024.

For Petitioner : Mr.M.Himavanth
for Mr.Arfat Mohammed .A

For Respondents : Mr.T.K.Saravanan
Additional Government Pleader
for R1 to R5
Mr.D.Veerasekaran, 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].



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2. Mr.M.Himavanth, learned counsel representing counsel on record for writ petitioner, Mr.T.K.Saravanan, learned Additional Government Pleader for R1 to R5 and Mr.D.Veerasekaran, learned counsel for R6 are before us.

3. Adverting to a representation dated 22.01.2024 from the writ petitioner, learned counsel for writ petitioner submitted that there is alleged encroachment in 'S.No.146/29 situate at Nathipalayam Village, Gobichettipalayam' [hereinafter 'said land' for the sake of convenience and clarity] by R6 before us. To be noted, R6 is a private respondent.

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 with the consent of both sides.



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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 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 the Revenue Divisional Officer, Gobichettipalayam, Erode District *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



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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 25.09.2025.

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.



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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.,)

(H.C.J.,)

19.06.2025

Index : Yes / No

Neutral Citation : Yes

Speaking / Non-speaking

mk

To

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

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