



W.P.No.8032 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2025

CORAM

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

and

THE HONOURABLE MRS.JUSTICE **K.GOVINDARAJAN THILAKAVADI**

W.P.No.8032 of 2022

Anthonymsamy @ Anthony

... Petitioner

vs.

1.The District Collector,
Kallakurichi District.

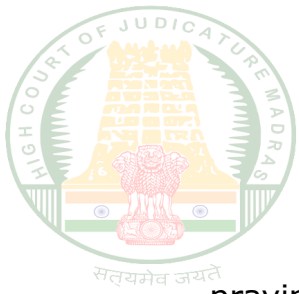
2.The Thasildhar,
Sankarapuram Taluk,
Kallakurichi District.

3.The Revenue Divisional Officer (RDO),
Revenue Divisional Office,
Kallakurichi Town & District.

4.The Divisional Engineer,
The Department of Highways,
Construction & Maintenance Department,
Kallakurichi District – 606 202.

5.The Assistant Divisional Engineer (AD),
The Department of Highways,
Construction & Maintenance Department,
Sankarapuram, Kallakurichi District.

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 22.11.2021 and further direct the fifth respondent to remove the Flag Post & Name Signage Board encroachments adjacent to the petitioner's land by obstructing free access of vehicle movements inside the petitioner's farmland in Survey No.29/18B, Survey No.29/19B, Survey No.20/B1.

For Petitioner : Mr.Altaf Hussain Umar
for Mr.S.Silambuselvan

For Respondents : Mr.T.K.Saravanan,
Additional Government Pleader

ORDER

[Order of the Court was made by **M.SUNDAR, J.,**]

This order will now dispose of the captioned 'Writ Petition' [hereinafter 'WP' for the sake of brevity].

2. Mr.Altaf Hussain Umar, learned counsel representing Mr.S.Silambuselvan, learned counsel on record for writ petitioner and Mr.T.K.Saravanan, learned Additional Government Pleader for all five respondents are before this Court.



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3. Adverting to a representation dated 22.11.2021 from the writ petitioner, learned counsel for writ petitioner submitted that there is alleged encroachment in 'Survey Nos.29/18B, 29/19B and 20/B1, Viriyur Village, Sankarapuram Taluk, Kallakurichi District' [hereinafter 'said land' for the sake of convenience and clarity].

4. 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.

5. It was submitted by learned Additional Government Pleader that 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.

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



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Revenue Divisional Officer, Revenue Divisional Office, Kallakurichi, qua
G.O.(Ms)No.64, Revenue and Disaster Management Department, Land
Disposal Wing, dated 08.02.2022.

7. 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 before taking a call. 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.

8. 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



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completed within a period of twelve weeks from today i.e., by
22.07.2025.

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9. 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.

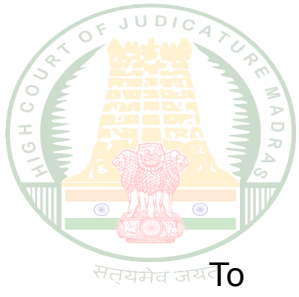
10. We make it clear that we have not expressed any view or opinion as to whether there is encroachment or not qua said land as it turns on facts and it is for the Divisional Monitoring Committee to take a call on this aspect of the matter. We also make it clear that this exercise will not apply to patta 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.) (K.G.T.,J.)
29.04.2025

Index : Yes/No
Neutral Citation: Yes/No
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**M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,**

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