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W.P. No.9021 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR
and
THE HONOURABLE MRS. JUSTICE K. GOVINDARAJAN THILAKAVADI

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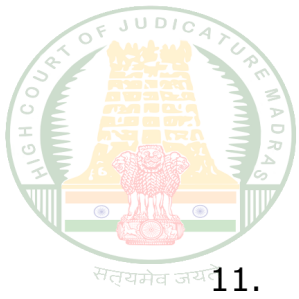
K.M.Periyasamy

Petitioner

vs.

1. The District Collector
Collectorate Office
Erode District
2. The Revenue Divisional Officer
Erode District
3. The Project Director
District Rural Development Agency
Erode
4. The Superintendent Of Police
Erode
5. S. Satish
6. S. Yashwanth
7. K. Subramani
8. Roopa Mani
9. K. Sivakumar
10. K. Ramasamy

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11. M. Arunachalam

12. K. Mutanadar

13. A. Kolanthasamy Gounder

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 4 to remove the encroachments made by the respondents 5 to 13 as found in Grama salai Poramboku (கிராம சாலை புறம்போக்கு) Survey Nos. 485, 488, 489 and 280 in Goundachipalayam Village, Perundurai Taluk, Erode District enabling the District Rural Development Agency to lay that road bearing Road No.R-56 which was sanctioned for a sum of Rs.85,46,000/- with adequate police protection by considering the petitioner's representation dated 17.02.2025 within a time frame.

For petitioner Mr. L.P. Shanmugasundaram

For RR 1 to 3 Mr. T.K. Saravanan
Additional Government Pleader

For R4 Mr. E. Raj Thilak
Additional Public Prosecutor

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ORDER

[made by M.SUNDAR, J.]

This order will now dispose of the captioned 'writ petition' ['WP' for the sake of brevity].

2. Mr. L.P. Shanmugasundaram, learned counsel on record for writ petitioner, is before us.

3. At the outset, it is pertinent to point out that prayer in the captioned WP talks about four survey numbers *i.e.*, Survey Nos. 485, 488, 489 and 280 and the prayer says that all four survey numbers are in Goundachipalayam Village, Perundurai Taluk, Erode District. The prayer, in turn, is predicated on last of a series of representations being representation dated 17.02.2025 sent by the writ petitioner (hereinafter 'said representation' for the sake of convenience and clarity). In said representation, four survey numbers are mentioned and they are 485, 488, 489 and 456.



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4. Mr.L.P.Shanmugasundaram, learned counsel for writ petitioner, submits that both are incorrect and errors have crept in *qua* writ petition prayer as well as said representation. On instructions, learned counsel on record for writ petitioner, submits that the writ petitioner is concerned only with Survey Nos.485, 488 and 489 in Goundachipalayam Village, Perundurai Taluk, Erode District and Survey No.280 in Kanagapuram Village, Modakuruchi Taluk, Erode District. In this regard, learned counsel on record for writ petitioner has made an endorsement in the case file and a scanned reproduction of the same is as follows:

my prayer with regard to
I confine [^] the Survey No. 485, 488 and
489 in Goundachipalayam Village, Perundurai
Taluk and with regard to Survey No. 280
in Kanagapuram village, Modakuruchi Taluk
to remove the encroachments as
sign shown by the map to lay the thar
Road bearing Road No. R-656.
14/3/25
Counsel for Petitioner

5. In the light of the narrative thus far, we make it clear that lands which are subject matter of captioned WP are, 'lands comprised in Survey Nos.485, 488 and 489 in Goundachipalayam Village,



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Perundurai Taluk, Erode District and land comprised in Survey No.280 in Kanagapuram Village, Modakuruchi Taluk, Erode District'(hereinafter 'said lands' for the sake of convenience and clarity).To be noted, further proceeding will pertain to these four survey numbers only.

6. Learned counsel for writ petitioner, advertng to said representation, submitted that there is alleged encroachment in said lands by RR 5 to 13 before us. To be noted, RR 5 – 13 are private respondents. Learned counsel further submitted that if encroachments are removed, a road can be laid for which sanction of funds has already been made.

7. Considering the obtaining position, we are of the view that the captioned WP can be disposed of by ordering notice to official respondents (RR 1 - 4) and putting in a safety valve / adequate protection *qua* alleged encroachers *i.e.*, RR 5 – 13.

8. Issue notice to official respondents, *i.e.*, RR 1 to 4.

9. Mr. T.K. Saravanan, learned Additional Government Pleader, accepts notice for RR 1 to 3 and Mr. E. Raj Thilak, learned



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Additional Public Prosecutor, accepts notice for R4.

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10. 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.

11. 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.

12. In the light of the narrative thus far, we deem it appropriate to refer the matter to the Divisional Monitoring Committee headed by R2, *viz.*, Revenue Divisional Officer, Erode, *qua* G.O.(Ms)No.64, Revenue and Disaster Management Department, Land Disposal Wing, dated 08.02.2022.

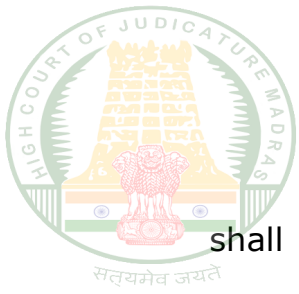


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13. This Court directs the jurisdictional Divisional Monitoring Committee to examine if there is encroachment *qua* said lands. The Divisional Monitoring Committee shall also ensure that adequate and ample opportunity is given to persons concerned, more particularly alleged encroachers (RR 5 to 13) 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. 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.

14. 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



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shall be completed within a period of 12 weeks from today *i.e.*, by
06.06.2025.

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15. 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.

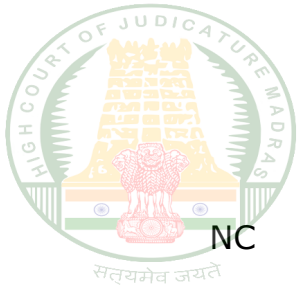
16. We make it clear that we have not expressed any view or opinion as to whether there is encroachment or not *qua* said lands as it turns on facts and it is for the Divisional Monitoring Committee to take a call on this aspect of the matter. We also make it clear that this exercise will not apply to patta land and it will apply only to public land, if there is any encroachment in public land.

17. 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.)
14.03.2025

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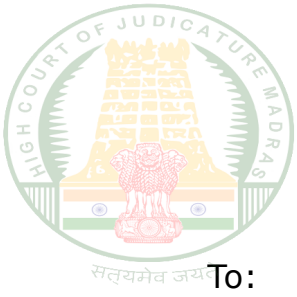
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M.SUNDAR, J.

and

K. GOVINDARAJAN THILAKAVADI, J.

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