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W.P.No.12670 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2025

CORAM

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

and

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

W.P.No.12670 of 2025

Sekar

... Petitioner

Vs.

- 1.The District Collector,
Office of the District Collector,
Dharmapuri District – 636 705.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Dharmapuri District – 636 705.
- 3.The Tahsildar,
Office of the Tahsildar,
Harur Taluk,
Dharmapuri District – 636 903.
- 4.Raja
- 5.Vasudevan

... Respondents

Writ Petition filed under Article 226 of The Constitution of India
praying to issue a Writ of Mandamus to direct the respondents 1 to 3

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to remove the encroachment made by the respondents 4 and 5 as found in Survey No.30/2 in Polaiyampalli Village, Harur Taluk, Dharmapuri District being a Nilaviyal Padhai within a time frame.

For Petitioner : Mr.J.Pradeep
For Respondents : Mr.T.K.Saravanan,
Additional Government Pleader
for R1 to R3

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.J.Pradeep, learned counsel on record for writ petitioner is before us.

3. Adverting to representation dated 03.01.2025, Mr.J.Pradeep, learned counsel for writ petitioner submitted that there is alleged encroachment in a pathway in 'Survey No.30/2, Polayampalli Village, Harur Taluk, Dharmapuri District' [hereinafter 'said land' for the sake of convenience and clarity] by R4 and R5. To be noted, R4 and R5 are private respondents.

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4. Considering the obtaining position, we are of the view that the captioned WP can be disposed of by ordering notice to respondents (R1 to R3) and putting in a safety valve / adequate protection qua alleged encroachers i.e., R4 and R5.

5. Issue notice to official respondents i.e., R1 to R3.

6. Mr.T.K.Saravanan, learned Additional Government Pleader accepts notice for R1 to R3.

7. 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.

8. 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*



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

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9. 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, Office of the Revenue Divisional Officer, Dharmapuri District – 636 705, qua G.O.(Ms)No.64, Revenue and Disaster Management Department, Land Disposal Wing, dated 08.02.2022.

10. 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 (R4 and R5) 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 its



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own merits and in accordance with law untrammelled by this proceedings in this Court.

11. 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 completed within a period of twelve weeks from today i.e., by 01.07.2025.

12. 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.

13. 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



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exercise will not apply to patta land and it will apply only to public land, if there is any encroachment in public land.

14. 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.)
08.04.2025

Index : Yes / No
Neutral Citation : Yes / No
mmi

To

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**M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,**

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