



WEB COPY



W.P. No.9107 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2025

CORAM:

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

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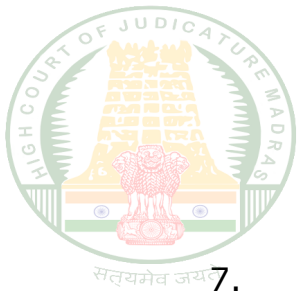
M. Kumar

Petitioner

vs.

1. The District Collector
Office of the District Collector
Salem District
2. The Revenue Divisional Officer
Office of the Revenue Divisional Officer
Mettur Dam
Salem District
3. The Block Development Officer
Omalur Union Office
Omalur Taluk
Salem District
4. The Revenue Tahsildar
Office of the Revenue Taluk Office
Omalur Taluk
Salem District
5. The Commissioner of Omalur Panchayat Union
Office of the Omalur Panchayat Union
Omalur Taluk
Salem District
6. Mariyappan

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7. Govindaraj

8. Sivanandam

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 5 to remove the illegal encroachment and also remove the wire fence situated in Salem west district, Omalur Sub-Registry, Arasamarathu Vinayagar Temple, Kullappanaickkanpatti Village in Ka.Ri.S.No.44/2A and S.No.64/1A, 1B, 1C, 2B, 3A, 3B,3C, 3D, 63/2C, 64/4C, 5D, 6, 7C and 7D and consequently, fix a time frame for consideration of the petitioner's representation dated 28.01.2025 for removal of illegal encroachment and wire fence.

For petitioner Mr. G. Munuraj

For RR 1 to 5 Mr. M.S. Arasakumar
Government Advocate

ORDER

[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. G. Munuraj, learned counsel on record for writ petitioner, is before us.

3. Learned counsel for writ petitioner, adverting to writ petitioner's representation dated 28.01.2025, submitted that there is alleged encroachment in 'S.No.44/2A and S.No.64/1A, 1B, 1C, 2B, 3A, 3B,3C, 3D, 63/2C, 64/4C, 5D, 6, 7C and 7D in Kullappanaickkanpatti Village, Omalur Sub-Registry, Salem West District' (hereinafter 'said lands' for the sake of convenience and clarity) by private respondents viz., RR 6 – 8. To be noted, RR 6 – 8 are private respondents.

4. 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 - 5) and putting in a safety valve / adequate protection *qua* alleged encroachers *i.e.*, RR 6 – 8.

5. Issue notice to official respondents, *i.e.*, RR 1 to 5.

6. Mr. M.S. Arasakumar, learned Government Advocate, accepts notice for RR 1 to 5.

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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, captioned WP was taken up.

8. It was submitted by learned Government Advocate 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.

9. 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, Mettur Dam, Salem District, *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 lands. The



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Divisional Monitoring Committee shall also ensure that adequate and ample opportunity is given to persons concerned, more particularly alleged encroachers (RR 6 to 8) 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.

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 12 weeks from today *i.e.*, by 10.06.2025.



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12. 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.

13. 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.

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.)
18.03.2025

cad
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NC : Yes/No

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M.SUNDAR, J.

and

K. GOVINDARAJAN THILAKAVADI, J.

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