



W.P.No.16983 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 02.06.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

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S.Deivegan

... Petitioner

Vs.

1.The District Collector,
Thiruvannamalai District
Thiruvannamalai

2. The Tahsildar
Chetpet Taluk
Thiruvannamalai District

3. Ravi

4. The Revenue Divisional Officer/Sub Collector
Revenue Divisional Officer
Cheyyar

... Respondents

(*R4 suo motu impleaded vide this order)

Writ Petition filed under Article 226 of The Constitution of India
praying to issue a Writ of Mandamus directing the respondents 1 and 2 to

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remove the encroachment made by the third respondent in the Government Poramboke Land comprised in Survey No.34/5A2 which is situated adjacent to the petitioner's property comprised in Survey No.34/7A situated at Nedungunam Village, Chetpet Taluk.

For Petitioner : Mr.S.Sathish Rajan

For Respondents : Mr.M.S.Arasakumar,
Govt. Advocate for R1, R2&R4

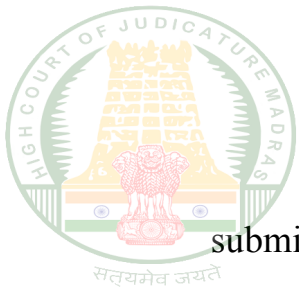
ORDER

[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].

2. Mr.S.Sathish Rajan, learned counsel on record for writ petitioner, is before us.

3. Adverting to complaints/representations dated 21.11.2024 and 09.01.2025 from the writ petitioner, learned counsel for writ petitioner



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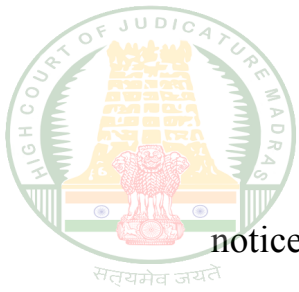
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submitted that there is alleged encroachment in 'Government poramboke land' in Survey No.34/5A2, which is situated adjacent to the petitioner's property comprised in Survey No.34/7A in Nedungunam Village, Chetpet Taluk' [hereinafter 'said land' for the sake of convenience and clarity] by R3 before us. To be noted, R3 is 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 encroacher, we are of the view that the captioned WP can be disposed of by ordering notice to official respondents (R1 and R2) and putting in a safety valve / adequate protection qua alleged encroacher i.e., R3.

5. Issue notice to official respondents, *i.e.*, R1 and R2.

6. Mr.M.S.Arasakumar, learned Government Advocate, accepts



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notice for R1 and R2.

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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 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.

9. Since the Divisional Monitoring Committee headed by the Revenue Divisional Officer/Sub Collector, Revenue Divisional Office, Cheyyar, has not been arrayed as a party respondent, this Court *suo-motu* impleads Revenue Divisional Officer/Sub Collector, Revenue Divisional Office, Cheyyar, as R4 in the captioned WP and Mr.M.S.Arasakumar, learned Government Advocate accepts notice for R4 also.



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10. In the light of the narrative thus far, we deem it appropriate to refer the matter to the Divisional Monitoring Committee headed by R4 *qua* said GO.

11. This Court directs the jurisdictional Divisional Monitoring Committee to examine if there is encroachment *qua* said land.

12. 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). In this regard, we are acutely conscious that the matter is being disposed of in Admission Board without notice to alleged encroacher and therefore, this safety valve is put in place. To be noted, all the rights and contentions of alleged encroacher 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 16 weeks from today *i.e.*, by 22.09.2025.



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13. 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.

14. 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.

15. 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.)

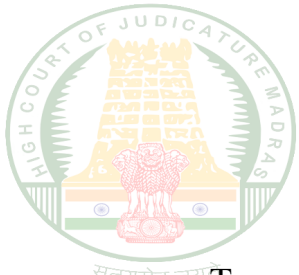
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To
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Thiruvannamalai District
Thiruvannamalai
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Chetpet Taluk
Thiruvannamalai District
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**M.SUNDAR, J.,
and
HEMANT CHANDANGOUDAR, J.,**

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