



W.P. No.14473 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE MRS. JUSTICE K. GOVINDARAJAN THILAKAVADI

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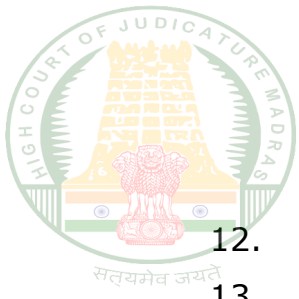
P.Paramasivam

Petitioner

vs.

1. The District Collector
Collectorate
Erode District 638 011
2. The Revenue Divisional Officer
CSI Institutions Campus
Chidambaram Colony
Erode 638 001
3. The Thasildar
Muthur Road
Modakurichi Taluk
Erode District 638 104
4. T.Parameshwaran
5. K.Thangarasu
6. S.Kandasamy Gounder
7. P.Shanmugam
8. K.Ponnusamy
9. P.Subramani
10. S.Senthilkumar
11. S.Dineshkumar

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12. M.Kandasamy
13. P.Kathirvel
14. K.Palanisamy Gounder

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 3 to remove the encroachment made in the Nilaviyal Vandi Pathai (bullock cart track) in Survey No.486/1 and 487/20, Velampalayam Village No.24, Modakkurichi Taluk, Erode District pursuant to the proceedings of the 1st respondent made in E-3069938/2025/001 dated 18.03.2025 within a time frame.

For petitioner

Mr. T. Karthick Srinath
for M/s. K.M. Vijayan Associates

For RR 1 to 3

Mr. T.K. Saravanan
Addl. Govt. Pleader

ORDER

[made by M. SUNDAR, J.]

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

2. Mr. T. Karthick Srinath, learned counsel for M/s.K.M.Vijayan Associates (Law Firm), learned counsel on record for writ petitioner, is before us.



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3. Adverting to a communication dated 18.03.2025 bearing reference E-3069938/2025/001 addressed by the first respondent to the writ petitioner, learned counsel for writ petitioner submitted that there is alleged encroachment in 'Nilaviyal Vandi Pathai (bullock cart track) in Survey No.486/1 and 487/20, Velampalayam Village No.24, Modakkurichi Taluk, Erode District' [hereinafter 'said lands' for the sake of convenience and clarity] by RR 4 to 14 before us. To be noted, RR 4 to 14 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 - 3) and putting in a safety valve / adequate protection *qua* alleged encroachers *i.e.*, RR 4 to 14.

5. Issue notice to official respondents, *i.e.*, RR 1 to 3.

6. Mr. T.K. Saravanan, learned Additional Government Pleader, accepts notice for RR 1 to 3.

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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 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.

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, Erode *qua* G.O.(Ms)No.64, Revenue and Disaster Management Department, Land Disposal Wing, dated 08.02.2022.



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10. 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 4 to 14) 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 17.07.2025.



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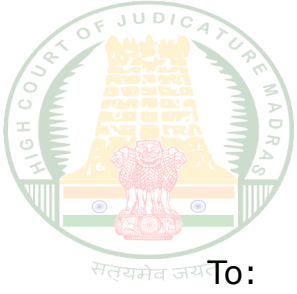
12. It is open to the writ petitioner and or anyone concerned with this matter to come to this Court on the same issue even with a similar / same prayer if there is any change of circumstances.

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.)
24.04.2025

cad
Index : Yes/No
NC : Yes/No



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