



W.P.No.17784 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 02.06.2025

CORAM

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

and

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.17784 of 2025

S.Sivaji
S/o.Sivaperumal

... Petitioner

VS.

1. The District Collector
Tiruvarur District
Tiruvarur.
2. The Tahsildar
Taluk Office
Thiruthuraipoondi
Tiruvarur District.
3. Sivachidambaram
S/o.Thangavel
4. The Revenue Divisional Officer
Revenue Divisional Office
Mannargudi.

Respondents

* R4 suo-motu impleaded vide order dated 02.06.2025

Page Nos.1/8



W.P.No.17784 of 2025

WEB COPY

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 2 herein to remove the encroachment made by the 3rd respondent herein in the 13 feet sand road on the eastern side of petitioner's house in Peria Korukkai which is classified as Government Poromboke land bearing Survey Numbers 404/16 situated in Peria Korukkai & Post, Thiruthuraipoondi Taluk, Tiruvarur District so as to have a free ingress and egress and easy access by four wheeler vehicles, heavy vehicles and vehicles used for agricultural purpose.

For Petitioner : Mr.S.Nagarajan

For Respondents : Mr.M.S.Arasakumar
Government 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.Nagarajan, learned counsel on record for writ petitioner, is before us.

Page Nos.2/8



W.P.No.17784 of 2025

WEB COPY

3. Adverting to a representation dated 04.11.2023, from the writ petitioner, learned counsel for writ petitioner submitted that there is alleged encroachment in 'Government land in Survey Number 404/16 at Peria Korukkai & Post, Thiruthuraipoondi Taluk, Tiruvarur District' [hereinafter 'said land' for the sake of convenience and clarity] by R3 before us. To be noted, R3 is a 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 & R2] and putting in a safety valve / adequate protection *qua* alleged encroacher *i.e.*, R3.

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



W.P.No.17784 of 2025

WEB COPY 6. Mr.M.S.Arasakumar, learned Government Advocate, accepts notice for R1 and R2.

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. This Court suo-motu impleads the Revenue Divisional Officer, Revenue Divisional Office, Mannargudi, as R4 in the captioned WP. Mr.M.S.Arasakumar, learned Government Advocate, accepts notice for R4.



W.P.No.17784 of 2025

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.



W.P.No.17784 of 2025

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.,)

02.06.2025

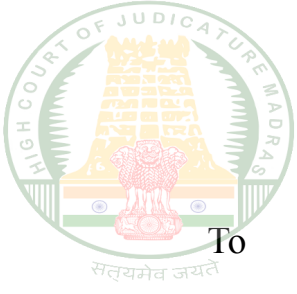
Index : Yes / No

Neutral Citation : Yes / No

Speaking / Non-speaking

mk

Page Nos.6/8



W.P.No.17784 of 2025

To

WEB COPY

1. The District Collector
Tiruvarur District
Tiruvarur.
2. The Tahsildar
Taluk Office
Thiruthuraipoondi
Tiruvarur District.
3. The Revenue Divisional Officer
Revenue Divisional Office
Mannargudi.



WEB COPY



W.P.No.17784 of 2025

**M.SUNDAR, J.,
and
HEMANT CHANDANGOUDAR, J.,**

mk

W.P.No.17784 of 2025

02.06.2025

Page Nos.8/8