



W.P.No.19122 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2025

CORAM

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

and

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.19122 of 2025

and

W.M.P. No.21414 of 2025 in W.P. No.19122 of 2025

Dhanapal

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Salem District – 636 001.

2.The Sub Collector,
Mettur Dam, Mettur – 636 401.

3.The Tahsildhar,
Kaadaiyampatti, Salem District.

4.Gunasekaran
5.G.Vadivu

6.The Revenue Divisional Officer,
Revenue Divisional Office, Mettur.

... Respondents

(R6 suo motu impleaded vide order
dated 03.06.2025 in W.P.No.19122 of 2025)



W.P.No.19122 of 2025

Writ Petition filed under Article 226 of The Constitution of India

praying to issue a Writ of Mandamus directing the respondents 1 to 3 to consider the petitioner's representation dated 30.05.2024 and consequently direct the respondents 4 and 5 to remove the entire illegal encroachments made by Gunasekaran and Vadivu on the Government Cart Path measuring an extent of 0.16.0 hectares in Survey No.401/2, situated in Thumbipadi Village, Kadaiyampatti Taluk, Salem District.

For Petitioner : Ms.C.N.Prarthana

For Respondents : Mr.M.S.Arasakumar,
Government Advocate
for R1 to R3 and R6

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. Ms.C.N.Prarthana, learned counsel on record for writ petitioner, is before us.



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3. Adverting to a representation dated 30.05.2024 from the writ petitioner, learned counsel for writ petitioner submitted that there is alleged encroachment in 'Government poramboke land in Survey No.401/2, Thumbipadi Village, Kadaiyampatti Taluk, Salem District measuring an extent of 0.16.0 hectares' [hereinafter 'said land' for the sake of convenience and clarity] by R4 and R5 before us. To be noted, R4 and R5 are private respondents.

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 encroachers, we are of the view that the captioned WP can be disposed of by ordering notice to official 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.

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6. Mr.M.S.Arasakumar, learned Government Advocate, 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, 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 is headed by the Revenue Divisional Officer, Revenue Divisional Office, Mettur, who has not been arrayed as a party respondent, the Revenue Divisional Officer, Revenue Divisional Office, Mettur is *suo motu* impleaded as R6. Mr.M.S.Arasakumar, learned Government Advocate, accepts notice for the newly impleaded R6.



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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 Revenue Divisional Officer, Revenue Divisional Office, Mettur *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 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. The entire exercise shall be completed within a period of 16 weeks from today *i.e.*, by 23.09.2025.



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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. Consequently, captioned Writ Miscellaneous Petition (WMP) is disposed of as closed. There shall be no order as to costs.

(M.S.,J.)

(H.C.J.)

03.06.2025

Index : Yes / No

Neutral Citation : Yes / No

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

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