



W.P.No.14075 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 05.06.2025

CORAM

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

and

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.14075 of 2024

K.Palanisamy

... Petitioner

Vs.

1.The District Collector,
Salem District

2. The Tahsildar
Vazhapadi Taluk Office
Salem District

3. The Village Administrative Officer
Mettupatti
Salem District

4. Kumar

5. Gopal @ Palanisamy

... Respondents

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

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remove the encroachment made by the 4th and 5th respondents in Government poramboke land comprised in Survey No.50/38 situated at Aadidraavidar Colony, Seshan Chavadi-Via M.Perumapalayam Village and Post, Vazhapadi, Taluk, Salem District based on the petitioner's representations dated 20.02.2023 and 05.02.2024 within the time to be stipulated by this Court.

For Petitioner : Mr.M.Vijayaragavan

For Respondents : Mr.T.K.Saravanan
Additional Government Pleader
for R1 to R3

Mr.P.Loganathan for R5

No appearance for 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.M.Vijayaragavan, learned counsel on record for writ petitioner, Mr.T.K.Saravanan, learned Additional Government Pleader for



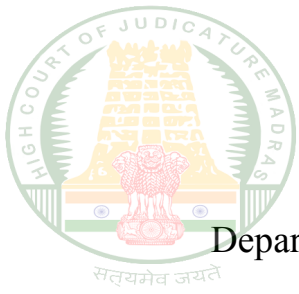
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R1 to R3 and Mr.P.Loganathan, learned counsel for R5 are before us. To be noted, R4 has been duly served, name and full/complete address of R4 as in the short cause title is duly shown in the cause list. We are informed by the Registry that R4 has not chosen to enter appearance through a counsel. There is no representation either in the physical Court or on the 'VC' ['Videoconferencing'] platform. To be noted, this is a hybrid hearing, which is a regular/routine/daily feature in this Court. Name called out thrice in the Court and adjoining corridors. There is no response.

3. Adverting to representations dated 20.02.2023 and 05.02.2024 from the writ petitioner, learned counsel for writ petitioner submitted that there is alleged encroachment in 'Government poramboke land in Survey No.50/38 situated at Aadidravidar Colony, Seshan Chavadi-Via M.Perumapalayam Village and Post, Vazhapadi, Taluk, Salem District' [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



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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 putting in a safety valve / adequate protection qua alleged encroachers i.e., R4 and R5.

5. 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.

6. 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, Salem *qua* said GO.

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



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WEB COPY 8. 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). 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 14 weeks from today *i.e.*, by 11.09.2025.

9. 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.

10. 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



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encroachment in public land.

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11. 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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Index : Yes / No

Neutral Citation : Yes / No
gpa

To

1. The District Collector,
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4. The Revenue Divisional Officer
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**M.SUNDAR, J.,
and
HEMANT CHANDANGOUDAR, J.,**

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