



W.P. No.14246 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2025

CORAM:

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

W.P.No.14246 of 2024

Chinnaiyan

Petitioner

vs.

1. The District Collector
Salem District
Salem 636 001
2. The Tahsildar
Thalaivasal Taluka
Salem District 636 112
3. The Block Development Officer
Thalaivasal Taluka
Salem District
4. Nadesakumar
5. Ayyammal

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 3 to consider the petitioner's representation dated 04.03.2024 to remove encroachment put up by respondents 4 and 5 and construct a public



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toilet for women at Survey No.266/13D, Deviyakurichi Village, Thalaivasal Taluka, Salem District, as per resolution no.23 dated 26.01.2024 passed by Deviyakurichi Village Panchayat.

For petitioner	Ms. A. Akshaya for Mr. C. Prabhu
For RR 1 to 3	Mr. T.K. Saravanan Additional Government Pleader
For RR 4 & 5	Mr. A.M. Esakiappan

ORDER

[made by M.SUNDAR, J.]

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

2. Ms. A. Akshaya, learned counsel representing Mr.C.Prabhu, learned counsel on record for writ petitioner, is before us.

3. Adverting to a representation dated 04.03.2024 from the writ petitioner, learned counsel for writ petitioner submitted that there is alleged encroachment in 'pathway at S.No.266/13D, Deviyakurichi Village, Thalaivasal Taluk, Salem District' [hereinafter 'said land' for the sake of convenience and clarity] by RR 4 and 5. To be noted, RR 4 and 5 are private respondents.

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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 finally disposed of.

5. 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.

6. 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.



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7. 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, Attur, Salem *qua* said GO.

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

9. 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 18.09.2025.

10. 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.

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11. 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.

12. 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.)
12.06.2025

Index : Yes/No
NC : Yes/No
cad



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M.SUNDAR, J.

and

HEMANT CHANDANGOUDAR, J.

cad

To

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Thalaivasal Taluka
Salem District 636 112
3. The Block Development Officer
Thalaivasal Taluka
Salem District
4. The Revenue Divisional Officer
Attur
Salem

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