



W.P.No.23118 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2025

CORAM

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

and

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

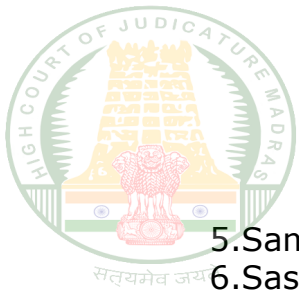
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- 1.K.Kandhasami
- 2.G.Ramakrishnan
- 3.Pazhani
- 4.Kalaimani

... Petitioners

Vs.

- 1.The District Collector,
1st Floor, Main Building,
District Collectorate,
Dharmapuri – 636 705.
- 2.The Revenue Divisional Officer,
Gandhi Nagar,
Dharmapuri – 636 701.
- 3.The Tahsildar,
5th TVK Nagar Road,
Anna Nagar,
Pappireddipatti – 636 905.
- 4.The Executive Engineer,
Public Works Department (PWD),
O/o.The Executive Engineer, PWD,
Buildings (C&M) Division,
Dharmapuri – 636 701.



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5.Sampath
6.Sasikumar
7.Shanmugam

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 4 to forthwith remove the illegal encroachment (hut) made by respondents 5 to 7 in the poromboke land in Survey No.310/3 at Molaiyanur Village, Pappireddipatti Taluk, Dharmapuri District and restore free access to the petitioner's agricultural lands.

For Petitioners : Mr.T.Sai Krishnan

For Respondents : Mr.T.K.Saravanan,
Additional Government Pleader
for R1 to R4

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. Mr.T.Sai Krishnan, learned counsel on record for writ petitioners, is before us.



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3. Adverting to a representation dated 09.10.2024 from the writ petitioners, learned counsel for writ petitioners submitted that there is alleged encroachment in 'Survey No.310/3 at Molaiyanur Village, Pappireddipatti Taluk, Dharmapuri District' [hereinafter 'said land' for the sake of convenience and clarity] by R5 to R7 before us. To be noted, R5 to R7 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 R4) and putting in a safety valve / adequate protection *qua* alleged encroachers *i.e.*, R5 to R7.

5. Issue notice to official respondents, *i.e.*, R1 to R4.

6. Mr.T.K.Saravanan, learned Additional Government Pleader, accepts notice for R1 to R4.



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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 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. 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, Pappireddipatti *qua* said GO.

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

11. 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



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(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 14 weeks from today *i.e.*, by 03.10.2025.

12. It is open to the writ petitioners 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 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.



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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.)

(H.C.J.)

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Index : Yes / No
Neutral Citation : Yes / No
mmi

To

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HEMANT CHANDANGOUDAR, J.,**

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