



W.P.No.16695 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.SUNDAR
and

THE HONOURABLE MR. JUSTICE HEMANT CHANDANGOUDAR

W.P.No.16695 of 2025

R.Vaithiyanathan

... Petitioner

vs.

1. The District Collector
Cuddalore
Cuddalore District
2. The Revenue Divisional Officer
Revenue Divisional Office
Cuddalore
Cuddalore District
3. The Tahsildar
Office of Cuddalore Taluk Office
Cuddalore
Cuddalore District
4. The Village Administrative Officer
Gunamangalam Village
Cuddalore Taluk
Cuddalore District
5. The Inspector of Police
Nellikuppam Police Station
Cuddalore District
6. Amutha

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7. Vimal

8. Andal

9. Ramadoss

10. Arul

11. Samaiyam

12. Sundharam

...Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the 1 to 3 respondents by considering the representation of the petitioner dated 30.12.2024 in accordance with law to remove the encroachment made by 6 to 12th respondents to secure ends of justice.

For petitioner : Mr. R.Sankarasubbu
along with Mr. A Ramesh

For Respondents : Mr.M.S.Arasa Kumar
Government Advocate for R1 to R4

Mr.S.Santhosh
Government Advocate (Crl.side)
for R5

Mr.U.Venkatesh for R8

Mr.K.B.Rohith
for Mr.D.Baskar for R7, R9 to R11



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ORDER

[made by M.SUNDAR, J.]

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

2. Today, Mr.R.Sankarasubbu along with Mr.A.Ramesh, learned counsel for writ petitioner, Mr.M.S.Arasa Kumar, learned Government Advocate for R1 to R4 and Mr.S.Santhosh, learned Government Advocate for R5 are before us in the physical Court.

3. Be that as it may, Mr.K.B.Rohith, learned counsel is present before us in the physical Court and learned counsel says that Mr.D.Baskar (Enrollment No.765/1996), learned counsel with address for service at No.114, Additional Law Chambers, High Court Buildings, has instruction, to accept notice for R7 and R9 to R11. Mr.U.Venkatesh (Enrollment No.4412/2021), learned counsel with address for service at No.110/66, Kumarappa Street, Nungambakkam, Chennai - 600 034 on the 'VC' [Video conferencing] platform submits that he has instructions to accept notice for 8th respondent. Therefore, we issued notice to the private respondents and the aforementioned counsel accepted notice for the respective respondents indicated *supra*.



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4. As regards R6, we make it clear that rights and contentions of R6 are preserved for the drill before the monitoring committee which is to ensue.

5. Adverting to a representation dated 30.12.2024 from the writ petitioner, learned counsel for writ petitioner, submitted that there is alleged encroachment in 'public road in S.No.7/4A5, Gunamangalm Village & Colony, Cuddalore Taluk, Cuddalore District' [hereinafter 'said road' for the sake of convenience and clarity] by R6 to R12. To be noted, R6 to R12 are private respondents.

6. 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 R5) and putting in a safety valve / adequate protection *qua* alleged encroachers *i.e.* R6 to R12.



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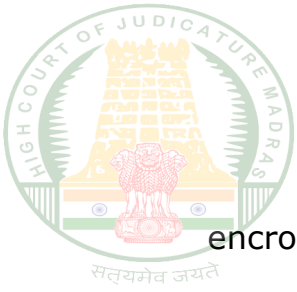
7. In the light of what has been alluded to *supra* and considering the limited scope of the captioned WP, with the consent of both sides, captioned WP was taken up.

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 R2 *qua* said GO.

10. We direct the jurisdictional Divisional Monitoring Committee to examine if there is encroachment *qua* said lands.

11. The Divisional Monitoring Committee *qua* said GO shall (if it comes to the conclusion that there is encroachment), report the



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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 26.09.2025.

12. 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.

13. We make it clear that we have not expressed any view or opinion as to whether there is encroachment or not *qua* said lands 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.)
19.06.2025

Index: Yes/No
N.C. : Yes/No

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

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