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W.P.No.18196 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2025

CORAM

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

and

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.18196 of 2025

S.Usha

... Petitioner

Vs.

- 1.The District Collector,
Office of the District Collector,
Thiruvarur District.
- 2.The Tahsildhar,
Office of the Tahsildar, Taluk Office,
Thiruthuraipoondi,
Thiruvarur District.
- 3.The Commissioner,
Municipality Office,
Thiruthuraipoondi, Thiruvarur District.
- 4.The Assistant Line Engineer,
Highways Department
(Construction & Maintenance),
Thiruthuraipoondi, Thiruvarur District.

5.Tamilarasi

... 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

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to take immediate and effective action to remove the encroachment made by the fifth respondent on the Thiruthuraipoondi to Mannargudi Road abutting R.S.No.159/1, R.S. Road, Thiruthuraipoondi Town by the consideration of the petitioner's representation dated 03.04.2025 within a time to be stipulated by this Court.

For Petitioner : Mr.S.Arivazhagan
For Respondents : Mr.K.Suresh Kumar,
Government Advocate
for R1, R2 and R4
Mr.K.Tamilvanan,
Government Advocate for R3

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.S.Arivazhagan, learned counsel on record for writ petitioner, is before us.

3. Adverting to a representation dated 03.04.2025 from the writ petitioner, learned counsel for writ petitioner submitted that there is alleged encroachment on 'Thiruthuraipoondi to Mannargudi Road



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abutting R.S.No.159/1, R.S. Road, Thiruthuraipoondi Town'
[hereinafter 'said land' for the sake of convenience and clarity] by R5
before us. To be noted, R5 is a private respondent.

4. Adverting to earlier proceedings made in the previous listing on 11.06.2025, Mr.S.Arivazhagan, learned counsel for writ petitioner submits that encroachment has only been partly removed and learned counsel adds that encroachments have resurfaced.

5. In the light of the aforementioned controversy, we deem it appropriate to resort to 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 and 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 encroacher *i.e.*, R5.

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



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7. Mr.K.Suresh Kumar, learned Government Advocate, accepts notice for R1, R2 and R4 and Mr.K.Tamilvanan, learned Government Advocate accepts notice for R3.

8. 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.

9. 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.

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, Mannarkudi *qua* said GO.

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



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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 encroacher and therefore, this safety valve is put in place. To be noted, all the rights and contentions of alleged encroacher 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 22.09.2025.

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

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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. There shall be no order as to costs.

(M.S.,J.) (H.C.J.)

16.06.2025

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

To

- 1.The District Collector,
Office of the District Collector, Thiruvarur District.
- 2.The Tahsildhar,
Office of the Tahsildar, Taluk Office,
Thiruthuraipoondi, Thiruvarur District.
- 3.The Commissioner,
Municipality Office,
Thiruthuraipoondi, Thiruvarur District.
- 4.The Assistant Line Engineer,
Highways Department
(Construction & Maintenance),
Thiruthuraipoondi, Thiruvarur District.
- 5.The Revenue Divisional Officer,
Mannarkudi.

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

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ADDENDUM

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M.SUNDAR, J.

and

HEMANT CHANDANGOUDAR, J.

(Order of the Court was made by M.SUNDAR, J.)

Captioned matter is listed today under the cause list caption 'FOR BEING MENTIONED' at the instance of Mr. K. Tamil Vendan, learned Government Advocate for third respondent, as his name has been wrongly typed as 'Mr.K.Tamilvanan' in two places in the order dated 16.06.2025, viz., in the preamble portion, wherein, the appearance of counsel figures and at paragraph no.7, wherein, the names of counsel accepting notice for respective respondents have been shown.

2. Today, Mr.S.Arivazhagan, learned counsel on record for writ petitioner, Mr. T.K. Saravanan, learned Additional Government Pleader for respondents 1, 2 and 4 and Mr. K. Tamil Vendan, learned Government Advocate for third respondent, are before us.



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cad

3. The aforereferred counsel on either side agreed to have the aforementioned corrections made. In this view of the matter, the name of learned Government Advocate for third respondent in the appearance column in the preamble portion of the order dated 16.06.2025 and at paragraph no.7 of said order shall read as 'Mr. K. Tamil Vendan' instead of 'Mr. K. Tamilvanan'. In all other aspects, the order dated 16.06.2025 remains the same. Therefore, this order will now be made as 'Addendum' and Corrigendum / Erratum to 16.06.2025 order already pronounced in open court and already uploaded. This order will now be uploaded as 'ADDENDUM' to / along with order made by this Court on 16.06.2025 and Registry is directed to carry out necessary and consequential corrections.

**(M.S., J.) (H.C., J.)
21.08.2025**

cad

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