



W.P.Nos.19001 and 19010 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 25.07.2025

CORAM

THE HONOURABLE MR. JUSTICE **M.SUNDAR**  
and  
THE HONOURABLE MRS. JUSTICE **K.GOVINDARAJAN THILAKAVADI**

W.P.Nos.19001 and 19010 of 2025  
and  
W.M.P.Nos.21276 and 21293 of 2025

A.Jayasankar  
Son of Arjunan

...Petitioner  
in W.P.No.19001 of 2025

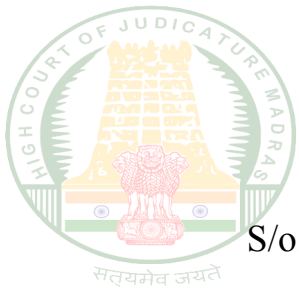
M.Pathmavathi  
D/o.Murugesan

...Petitioner  
in W.P.No.19010 of 2025

vs.

1. The District Collector  
Office of Collectorate  
Gundu Salai Road  
Alpet, Manjakuppam  
Cuddalore District - 607 001
2. The Revenue Divisional Officer  
Chidambaram - 608 001
3. The Tahsildar  
No.54, Lalkhan Street  
Chidambaram - 608 001
4. P.Kanthavel

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S/o.Late Pandiyarajan

... Respondents  
in both WPs

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**Prayer in W.P.No19001 of 2025:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the first respondent to grant house site patta in the name of petitioner by considering the petitioner's application vide Grievance ID No.TN/REV/CUD/I/COLLMGDP /03FEB25/10905141 dated 03.02.2025, within the time limit fixed by this Court and forbear the first to third respondents from taking any coercive action against the subject property, pending disposal of the hosue site patta application.

**Prayer in W.P.No19010 of 2025:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the first respondent to grant house site patta in the name of petitioner by considering the petitioner's application vide Grievance ID No.TN/REV/CUD/P/COLLMGDP /03FEB25/10904874 dated 03.02.2025, within the time limit fixed by this Court and forbear the first to third respondents from taking any coercive action against the subject property, pending disposal of the hosue site patta application.

For Petitioner : Mr.Arun Anbumani  
in both WPs for Mr.M.A.Arshad

For Respondents : Mr.K.Suresh  
in both WPs Government Advocate for R1 to R3

Mr.R.Rajavelavan for R4



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W.P.Nos.19001 and 19010 of 2025

## COMMON ORDER

[Order of the Court was made by M.SUNDAR, J.]

Mr.Arun Anbumani, learned counsel representing the counsel on record for writ petitioners in both captioned main 'Writ Petitions' ['WP' in singular and 'WPs' in plural for the sake of brevity], Mr.T.K.Saravanan, learned Additional Government Pleader for official respondents (R1 to R3) in both WPs and Mr.R.Rajavelavan, learned counsel for private respondent (R4) in both WPs are before us.

2. This Court with the consent of all the aforesaid learned counsel took up the main WPs and the main WPs were heard out.

3. The genesis of the matter is R4 (private respondent) before us coming to this Court with a 'Removal of Encroachment' ['RoE'] prayer vide W.P.No.8008 of 2025, which came to be disposed of by this Division Bench in and by an order dated 10.03.2025, which reads as follows:



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W.P.Nos.19001 and 19010 of 2025



W.P. No.8008 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR  
and  
THE HONOURABLE MRS. JUSTICE K. GOVINDARAJAN THILAKAVADI

W.P.No.8008 of 2025

P. Kanthavel

Petitioner

vs.

1. The District Collector  
Gundu Salai Road  
Alpet  
Manjakuppam  
Cuddalore District
2. The Revenue Divisional Officer  
Chidambaram 608 001
3. The Tahsildar  
No.54, Lalkhan Street  
Chidambaram 608 001
4. The Special Officer  
Parangipettai Panchayat  
Parangipettai
5. Jayasankar
6. Padma
7. Saroja

Respondents

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W.P. No.8008 of 2025

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 4 to remove the encroachment made by the respondents 5 to 7 over the panchayat road, comprised in Survey Field No.285/1 in Pinnathur Village within the jurisdiction of respondents 1 to 4 after taking measurement and to further maintain it as road free from obstruction of intruders, including the respondents 5 to 7.

|                |                                               |
|----------------|-----------------------------------------------|
| For petitioner | Mr. R. Rajavelavan                            |
| For RR 1 to 3  | Mr. M.S. Arasakumar<br>Government Advocate    |
| For R4         | Mr. V.P.R. Elamparithi<br>Addl. Govt. Pleader |

**ORDER**

[made by M.SUNDAR, J.]

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

2. Mr. R. Rajavelavan, learned counsel on record for writ petitioner, is before us.

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W.P. No.8008 of 2025

3. Learned counsel for writ petitioner, adverting to the case file, submitted that there is alleged encroachment in 'Survey Field No.285/1 in Pinnathur Village' [hereinafter 'said land' for the sake of convenience and clarity] by RR 5 to 7 before us. To be noted, RR 5 - 7 are private respondents.

4. Considering the obtaining position, we are of the view that the captioned WP can be disposed of by ordering notice to official respondents (RR 1 - 4) and putting in a safety valve / adequate protection *qua* alleged encroachers *i.e.*, RR 5 - 7.

5. Issue notice to official respondents, *i.e.*, RR 1 to 4.

6. Mr. M.S.Arasakumar, learned Government Advocate, accepts notice for RR 1 to 3 and Mr. V.P.R. Elamparithi, learned Additional Government Pleader, accepts notice for R4.

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.

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W.P. No.8008 of 2025

8. It was submitted by learned Government Advocate that G.O.(Ms)No.64, Revenue and Disaster Management Department, Land Disposal Wing, dated 08.02.2022 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 the Sub Collector, Office of the Sub-Collector, Chidambaram *qua* G.O.(Ms)No.64, Revenue and Disaster Management Department, Land Disposal Wing, dated 08.02.2022.

10. This Court directs the jurisdictional Divisional Monitoring Committee to examine if there is encroachment *qua* said land. The Divisional Monitoring Committee shall also ensure that adequate and ample opportunity is given to persons concerned, more particularly

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W.P. No.8008 of 2025

alleged encroachers (RR 5 to 7) before taking a call. 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.

11. The Divisional Monitoring Committee *qua* G.O. (Ms) No.64, Revenue and Disaster Management Department, Land Disposal Wing, dated 08.02.2022, shall (if it comes to the conclusion that there is encroachment) report the encroachment for further action (for removal of encroachment which again shall be after giving adequate and ample opportunity to alleged encroacher). The entire exercise shall be completed within a period of 12 weeks from today *i.e.*, by 02.06.2025.

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.

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W.P. No.8008 of 2025

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.

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.) (K.G.T., J.)  
10.03.2025

cad  
Index : Yes/No  
NC : Yes/No

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4. The aforementioned order speaks for itself and therefore, we refrain from dilating more on the same.

5. Suffice to write that the afore-referred earlier order dated 10.03.2025 made by this Bench shall now be read as integral part and parcel

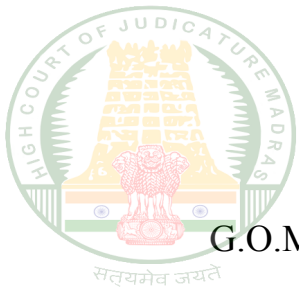
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of this order. This also means that short forms, short references and abbreviations used in the earlier order will continue to be used in the instant order too.

6. Post earlier order, writ petitioners as well as R4 were visited with hearing notices (அழைப்பாணை) by the 'Divisional monitoring Committee vide G.O.No.64 dated 08.02.2022' (hereinafter 'G.O.64 DM Committee' for the sake of convenience) fixing the hearing on 29.04.2025 at 10.30 am. There is no dispute or contestation that writ petitioners as well as R4 attended the hearing before 'G.O.64 DM Committee' on the said date and time. The point is, writ petitioners in the captioned WPs, who are R5 and R6 in the earlier WP filed with a 'RoE' prayer, took the plea that they have made an application dated 03.02.2025 seeking free house site patta under the scheme floated by the State. To be noted, the writ petitioners have taken the position that they are admittedly encroachers in public land but are entitled to free house site patta, as according to them, said public land is objectionable unused area and that writ petitioners satisfy the parameters. We express no opinion on whether the writ petitioners are entitled to patta. Suffice to say that the grant of patta in such cases is now governed by



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G.O.Ms.No.97 dated 21.02.2025 and in the case on hand, the 'District Level Committee' [hereinafter 'G.O.97 DL Committee' for the sake of convenience] is in seizin of the matter. Learned State counsel confirms that writ petitioners' applications dated 03.02.2025 are under active consideration of G.O.97 DL Committee.

7. After attending the hearing on 29.04.2025, the writ petitioners came to this Court, filed captioned WPs and a Division Bench of the Vacation Court granted interim injunction, which is operating.

8. In deference to the interim injunction, G.O.64 DM Committee is yet to make orders. Likewise, G.O.97 DL Committee is also yet to make orders. To be noted, the time frame fixed for the G.O.64 DM Committee to make orders is 12 weeks and the same elapsed on 02.06.2025 but in the *interregnum*, interim order was granted on 22.05.2025.

9. While learned counsel for writ petitioners contended that the entitlement of writ petitioners for free house site patta under G.O.Ms.No.97 is under active consideration of G.O.97 DL Committee, if orders are pronounced by G.O.64 DM Committee, RoE proceedings will commence.



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10. Writ petitioners admit the position that they are residential encroachers but it is in objectionable unused area.

11. In the light of the narrative thus far, the crux of the issue is, the question as to whether writ petitioners are entitled to patta under G.O.Ms.No.97 has to be decided by G.O.97 DL Committee one way or the other. To put it with specificity, G.O.97 DL Committee should decide whether the writ petitioners are entitled to patta qua said land or if they are not entitled, their application is liable to be rejected. The G.O.64 DM Committee should make an order thereafter taking into account the decision of the G.O.97 DL Committee.

12. In the light of the narrative, discussion and dispositive reasoning thus far, the following order is made:

i) G.O.97 DL Committee shall decide the writ petitioners' applications dated 03.02.2025 as expeditiously as the business of G.O.97 DL Committee permits. However, learned State counsel submits that G.O.97 DL Committee will take a decision within eight weeks from today i.e., on or before 19.09.2025;



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ii) The decision taken by the G.O.97 DL Committee shall be communicated to the writ petitioners as well as R4 under due acknowledgement within five working days from the date on which the order is made;

iii) Post 19.09.2025, the G.O.64 DM Committee which has already concluded the hearing shall take into account, the decision of G.O.97 DL Committee and make proceedings within another eight weeks therefrom i.e., on or before 14.11.2025;

iv) As we made it clear that earlier order made by this Court being order dated 10.03.2025 in W.P.No.8008 of 2025 is to be read as integral part and parcel of this order, the time line set out therein obviously stand altered as per the instant order;

v) Coercive action, if any and if that be so, will be subject to proceedings to be made by G.O.64 DM Committee in the aforesaid manner.



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Captioned WP disposed of in the aforesaid manner with afore-referred

directives. In the light of what we have written regarding coercive action,

the captioned WMPs become otiose and the same are disposed of as closed.

There shall be no order as to costs.

(M.S.,J.) (K.G.T.,J.)  
25.07.2025

Index: Yes/No

Neutral Citation: Yes/No

Speaking order/Non-speaking order  
gpa

To

1. The District Collector  
Office of Collectorate  
Gundu Salai Road  
Alpet, Manjakuppam  
Cuddalore District - 607 001
2. The Revenue Divisional Officer  
Chidambaram - 608 001
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**M.SUNDAR., J,**  
and  
**K.GOVINDARAJAN THILAKAVADI., J,**

gpa

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**25.07.2025**

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