



W.P.No.18745 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 12.06.2025

CORAM

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

W.P.No.18745 of 2024
and
W.M.P.No.20556 of 2024

P.Elangovan
S/o.Pachamuthu

... Petitioner

VS.

1. The District Collector
Salem District
Salem - 636 001.
2. The Revenue Divisional Officer
Attur Division
Salem District - 636 102.
3. The Tahsildar
Thalaivasal Taluk
Salem District - 636 112.
4. The Deputy Superintendent of Police
Deputy Superintendent of Police office
Attur Subdivision,
Salem District - 636 102.
5. The Sub Inspector of Police

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Gangavalli Police Station
Salem District - 636 105.

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6. Mr.Sandhosh Kumar
S/o.Jayasankar
7. Mr.Kumar
S/o.Rathinavel
8. Mr.Raja
S/o.Marimuthu
9. Mrs.Nirmaladevi
10. Miss.A.Selvarani
D/o.Arumugam

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, directing the respondents 1 to 5 to remove the illegal encroachment of Vinayagar Statute from the Government land as the street in Survey No.236/1 situated at Sathappadi Village, Thalaivasal Taluk, Salem District to enable the petitioner to use the street to reach the main road and execute the peace committee report was submitted by the 3rd respondent dated 17.09.2022.

For Petitioner : Mr.T.Velu

For Respondents : Mr.K.Suresh
Government Advocate
for R1 to R5



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ORDER

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

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

2. Mr.T.Velu, learned counsel for writ petitioner and Mr.K.Suresh, learned Government Advocate for R1 to R5 are before us.

3. Adverting to representations dated 27.08.2022 and 23.05.2023 from the writ petitioner, learned counsel for writ petitioner submitted that there is alleged encroachment in 'Survey No.236/1at Sathappadi Village, Thalaivasal Taluk, Salem District' [hereinafter 'said land' for the sake of convenience and clarity] by R6 to R10 before us. To be noted, R6 to R10 are private respondents.

4. Considering the facts and circumstances of the case in juxtaposition



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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 putting in a safety valve / adequate protection *qua* alleged encroachers *i.e.*, R6 to R10.

5. 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.

6. 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, Revenue Division Office, Attur *qua* said GO.

7. This Court directs the jurisdictional Divisional Monitoring



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Committee to examine if there is encroachment *qua* said land.

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8. 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 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.

9. 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.

10. 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



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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.

11. Captioned WP is disposed of with the aforementioned observations and directives in the aforesaid manner. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

(M.S.J.,)

(H.C.J.,)

12.06.2025

Index : Yes / No

Neutral Citation : Yes / No

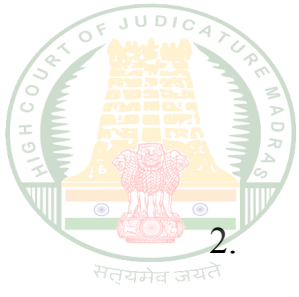
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To

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

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