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W.P.No.21314 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.SUNDAR
and

THE HONOURABLE MR. JUSTICE HEMANT CHANDANGOUDAR

W.P.No.21314 of 2025

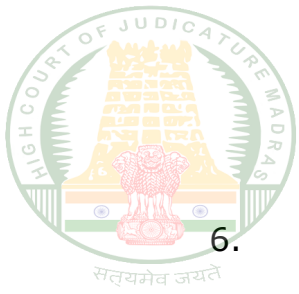
R. Ponnusamy

Petitioner

vs.

1. The Commissioner
Commissionerate of Land and Survey
PWD Estate, Chepauk
Chennai 600 005
2. The Inspector General of Registration
Registration Department
No.100, Santhome High Road
Chennai 600 028
3. The District Collector
O/o.The Collector
Nallipalayam Post
Namakkal District 637 003
4. The Superintendent of Police
District Police Office
Nallipalayam Post
Namakkal District 637 003
5. The District Revenue Officer
O/o. The Collector
Nallipalayam Post
Namakkal District 637 003

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6. The Revenue Divisional Officer
Paramathi Road
Thiruchengodu Post & Taluk
Namakkal District 637 211
7. The Assistant Director
Town and Country Planning Office
Paramathi Road
Namakkal 637 001
8. The Sub-Registrar
Paramathi Registrar Office
Paramathi Post
Namakkal District 637 207
9. The Tahsildar
Paramathi Velur Taluk Office
Padamudipalayam
Namakkal 638 182
10. The Block Development Officer
Kabilarmalai Union Office
Kabilarmalai Post
Paramathi-Velur Taluk
Namakkal 637 204
11. The Sub Inspector of Police
Jaderpalayam Police Station
Namakkal district 637 213
12. The Village Administrative Officer
Kabilarkurichi Village
Kabilarmalai Post
Paramathi Velur
Namakkal 637 204
13. Kulanthiasamy
14. Rajkumar

Respondents



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Writ Petition filed under Article 226 of the Constitution of India

seeking a writ of mandamus directing the respondents 1 to 12 to consider the petitioner's representation dated 27.01.2025 and evict the encroachers in the Government land in Kabilakurichi Village, Namakkal District, Survey No.324/13 and pathway in Survey No.324/14 within a stipulated period.

For petitioner	Mr. M.K. Bhoopathy Rajan
For RR 1 & 2	Mr. T.K. Saravanan Addl. Govt. Pleader
For RR 4-9 & 11	Mr. S. Santhosh Govt. Advocate (Crl. Side)
For R10	Ms. P. Raja Rajeswari
For R12	Mr. U. Baranidharan Special Government 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. M.K. Bhoopathy Rajan, learned counsel on record for writ petitioner, is before us.

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3. Adverting to a representation dated 27.01.2025 from the writ petitioner, learned counsel for writ petitioner, submitted that there are alleged encroachments in 'Government land in S.No.324/13 and pathway in S.No.324/14, in Kabilakurichi Village, Namakkal District' [hereinafter 'said lands' for the sake of convenience and clarity] by RR 13 and 14. To be noted, RR 13 and 14 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 (RR 1 to 12) and putting in a safety valve / adequate protection *qua* alleged encroachers *i.e.* RR 13 and 14.

5. Issue notice to official respondents, *i.e.*, RR 1 to 12.



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6. Mr. T.K. Saravanan, learned Additional Government Pleader, accepts notice for RR 1 and 2, Ms. P. Rajarajeswari, learned counsel, accepts notice for R10, Mr. S. Santhosh, learned Government Advocate (Crl. Side), accepts notice for RR 4 to 9 and 11 and Mr.U.Baranidharan, learned Special Government Pleader, accepts notice for R12.

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 R6 *qua* said GO.



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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 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 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 23.09.2025.

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.

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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.

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.)
17.06.2025

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

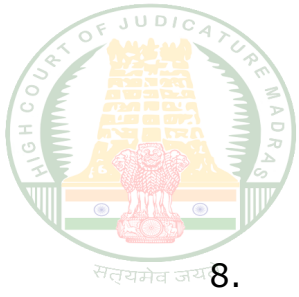


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M.SUNDAR, J.

and

HEMANT CHANDANGOUDAR, J.

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